

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ANIMAL CARE AND ADOPTION; AMENDING VARIOUS SECTIONS OF CHAPTER 4, "ANIMALS," OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CREATING AND AMENDING DEFINITIONS; ESTABLISHING THE ANIMAL CARE STERILIZATION TRUST FUND; ESTABLISHING THE ANIMAL CARE ADOPTION TRUST FUND; CREATING COMMUNITY CAT MANAGEMENT PROGRAMS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

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

**Chapter 4**

**ANIMALS DOGS AND CATS**

...

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

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

(a) *Abandon* shall mean to forsake an animal dog or cat in a street, road, or public or private place without providing for the care, sustenance, protection, and shelter of such animal. Community cats shall not be considered abandoned when returned to

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1 the original point of pick-up or other suitable location as part of a community cat  
2 management program.

3 . . .

4 (i) *Community cat* shall mean any free-roaming, unowned cat living in a  
5 ~~particular area as part of a colony of cats that may be cared for by one (1) or more~~  
6 ~~known or unknown residents of the immediate area where the colony is based~~ an  
7 outdoor environment that may or may not be a part of a cat colony. A community cat  
8 may or may not be feral. ~~Community cats may be returned to the colony once~~  
9 ~~registered and neutered through a County or other program designed to trap, neuter~~  
10 ~~and return cats to their colony.~~ Community cats shall be exempt from the rabies  
11 registration license requirements of Section 4-11 and the stray animal provisions of  
12 Section 4-23. Community cats shall be subject to the rabies vaccination requirements  
13 of Section 4-10.

14 . . .

15 (o) *Director* shall mean the Director of the ~~Permitting, Licensing and~~  
16 ~~Consumer Protection~~ Animal Care and Adoption Division for Broward County, ~~or any~~  
17 ~~successor agency.~~

18 (p) *Division* shall mean the Broward County ~~Permitting, Licensing and~~  
19 ~~Consumer Protection Division,~~ Animal Care and Adoption ~~Section~~ Division, or any  
20 successor agency.

21 . . .

22 (r) *Feral* shall means ~~an wild animal~~ dog or cat that exists in an untamed  
23 state or that has returned to an untamed state, generally not socialized to human  
24

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1 contact, and is no longer considered domesticated. ~~Feral animals shall include, but not~~  
2 ~~be limited to cats, dogs, and hogs.~~

3 . . .

4 (t) *Harboring* shall mean the act of keeping and caring for ~~an animal~~ dog or  
5 cat, or of providing premises to which the animal dog or cat returns for food, shelter, or  
6 care, for a period of at least forty-eight (48) hours. Harboring shall not include  
7 circumstances in which an individual captures a dog or cat, locates, and attempts to find  
8 the animal's dog's or cat's owner in good faith. ~~Harboring shall also not include the~~  
9 ~~keeping of stray animals, including but not limited to community cats, pursuant to~~  
10 ~~County programs designed to reduce pet overpopulation and infectious diseases.~~  
11 Persons maintaining community cats living in a colony pursuant to Section 4-38 shall  
12 not be considered to be harboring cats and shall be regulated in accordance with said  
13 management initiative.

14 . . .

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

20 . . .

21 (nn) *Business day* shall mean any day that the animal shelter is open to the  
22 public.

23  
24  
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1       ~~(oo)~~     Colony shall mean more than one (1) community cat living together in an  
2 outdoor environment that is under the supervision of a community cat caregiver(s)  
3 providing food and care pursuant to Section 4-38.

4       ~~(pp)~~     Community cat caregiver shall mean a person who provides food and care  
5 for one (1) or more community cats, but who does not own, harbor, keep, or have  
6 custody, control, or charge of such cats.

7       ~~(qq)~~     Exotic shall mean any animal that is not indigenous to the area, and that  
8 requires special housing and a permit through the Florida Fish and Wildlife  
9 Conservation Commission.

10       ~~(rr)~~     Return-to-field shall mean trapping, or otherwise obtaining a community  
11 cat, and providing for the sterilization, rabies vaccination, and ear-tipping of the cat.  
12 Upon determination that the cat is healthy and capable of living independently or in a  
13 managed colony, the cat shall be returned and released to the original point of pick-up.  
14 In instances in which releasing to the original location is determined a nuisance by the  
15 Division, the cat shall be released to an alternate suitable outdoor location.

16 ...  
17 **Sec. 4-5. Impoundment and confinement of dogs and cats.**

18 ...  
19       ~~(c)     Confinement period:~~ Dogs or cats impounded pursuant to this section and  
20 not claimed by their owners of the dog or cat shall be held and not disposed of by the  
21 Division for a period of at least ~~seventy-two (72) hours~~ three (3) full business days after  
22 impoundment and prior to disposition, except as provided herein:  
23  
24

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1 (1) The confinement period before disposition shall be at least ~~one hundred~~  
2 ~~twenty (120) hours~~ five (5) full business days for any dog or cat that is  
3 wearing a rabies registration license tag or other traceable identification.

4 (2) The confinement period before disposition shall be at least ~~one hundred~~  
5 ~~twenty (120) hours~~ five (5) full business days for dogs or cats impounded  
6 because the owner is unable to care for the animal due to injury, illness,  
7 incarceration, or other involuntary absence, ~~and for dogs or cats received~~  
8 ~~from a law enforcement agency.~~

9 (3) There shall be no confinement period before disposition ~~for dogs of~~  
10 puppies and ~~eats~~ kittens less than four (4) months of age ~~shall be twenty-~~  
11 ~~four (24) hours~~ to enable the ~~dog puppy~~ or ~~eat kitten~~ to be placed at either  
12 a foster home or transferred to an appropriate facility location to protect  
13 the health of the ~~dog puppy~~ or ~~eat kitten~~.

14 ...

15 (6) The Division shall establish a program for the handling and disposition of  
16 feral cats with no requirement for a confinement period prior to disposition.

17 (7) The Division shall not be required to feed or care for any wild or exotic  
18 animals.

19 (d) Dogs or cats impounded by the Division shall be released to their owners  
20 upon presentation of proof of ownership and, if proof of proper vaccination and licensing  
21 is not provided, after proper vaccination, and licensing, and payment of  
22 impoundingment fees and redemption charges established by resolution of the  
23 Commission. An owner's agent may redeem an ~~animal~~ dog or cat upon presentation of  
24 the foregoing information as well as proof of agency.

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1 (1) For purposes of this section, proof of ownership may include: information  
2 registered with the Division; information contained on a microchip  
3 implanted in the ~~animal~~ dog or cat and registered with the Division or the  
4 applicable national microchip registry; pictures of the ~~animal~~ dog or cat;  
5 and evidence provided by a licensed veterinarian who has treated the  
6 ~~animal~~ dog or cat. In the absence of proof outlined in this section, a  
7 signed written statement may be submitted to the Division by a person  
8 unrelated to the person claiming ownership that acknowledges and attests  
9 to ownership of the dog or cat.

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

16 ...  
17 **Sec. 4-7. Adoption, rescue, and redemption of dogs and cats.**

18 ...  
19 (b) Dogs and cats that have been impounded shall be released to their  
20 owners upon presentation of proof of ownership, as outlined in Section 4-5, and upon  
21 payment of fees, including a ~~reclaim~~ redemption fee, rabies vaccination fee, ~~or rabies~~  
22 registration license fee, and boarding fees, if applicable. Said fees shall be established  
23 by resolution of the Commission.

24 ...  
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1 **Sec. 4-11. Registration of dogs and cats.**

2 (a) Any person in Broward County who owns or keeps ~~in Broward County~~ a  
3 dog or cat four (4) months of age or older shall have such dog or cat registered by and  
4 in Broward County and shall obtain and keep a current rabies registration ~~tag~~ license.  
5 The Division shall provide suitable dog and cat rabies registration ~~tags~~ licenses for sale  
6 through authorized representatives or through the Division. A separate rabies  
7 registration ~~tag~~ license shall be issued for each dog or cat, and a rabies registration ~~tag~~  
8 license issued for one (1) dog or one (1) cat is not valid for any other dog or cat.

9 . . .

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

14 (d) The Commission shall establish by resolution the fees to be charged for  
15 rabies registration ~~tags~~ licenses. This may include discount fees for sterilized dogs or  
16 cats. Any such discount shall be allowed only upon presentation of a certificate of  
17 sterilization signed by a veterinarian licensed in any state or other documentation of the  
18 dog's or cat's inability to reproduce, or upon presentation of proof of prior issuance of a  
19 rabies registration license for the dog or cat at a similarly discounted fee. Dogs and  
20 cats that are sterilized and vaccinated in connection with ~~special~~ County programs to  
21 encourage ~~spaying and neutering~~ sterilization may also be eligible for a discount rabies  
22 registration license fee. The Division shall provide free rabies registration ~~tags~~ licenses  
23 to all individuals with disabilities for animals that the Division has recognized as official  
24 service animals. The Director shall establish the guidelines for approving and denying

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1 free or discounted rabies registration ~~tags~~ licenses. The fees collected for rabies  
2 registration tag license sales, over the baseline of one hundred thousand (100,000) tags  
3 licenses per year, shall be ~~allocated and~~ deposited in the Animal Care Sterilization Trust  
4 Fund to be used for ~~spay and neuter~~ sterilization programs, ~~at the discretion of~~ as  
5 determined by the Director.

6 (e) In the event a rabies registration tag distributed under the provisions of  
7 this section is lost, stolen, or destroyed, a replacement tag shall be distributed by the  
8 Director or designee upon presentation of the corresponding rabies ~~certificate~~  
9 registration license and payment of the appropriate fee.

10 ...

#### 11 **Sec. 4-12.5. Hearings.**

12 (a) *Hearing Officer.* There is hereby created for the purposes of this chapter  
13 the position of Hearing Officer. ~~For purposes of all proceedings related to violations of~~  
14 ~~this article, e~~Each Hearing Officer shall be a member in good standing of The Florida  
15 Bar.

16 (b) *Burden of Proof.* The Division shall bear the burden of establishing a  
17 ~~violation of this article~~ that a dog is dangerous or that a citation is valid by clear and  
18 convincing evidence. The owner shall bear the burden of establishing any factual or  
19 legal defense to the classification of dangerousness or the validity of the citation by a  
20 preponderance of evidence.

21 ...

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

23 (1) For hearings regarding a classification of dangerousness, ~~¶the~~  
24 ~~non-prevailing~~ nonprevailing party shall be responsible for paying the

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Hearing Officer's fee in full. In cases where a citation is found valid, persons challenging the validity of the citation shall be assessed an administrative fee as established by the Commission.

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

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

(h) Once a hearing is scheduled, failure to appear before the Hearing Officer may, at the discretion of the Hearing Officer, result in the dismissal of the hearing with prejudice, in which case the initial classification by the Division shall stand and the dog shall be classified as dangerous or the citation shall be found valid.

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1 **Sec. 4-19. Abandonment of animals dogs and cats.**

2 It shall be deemed a violation of this section for any person to willfully abandon  
3 any animal for a period in ~~excess of twenty-four (24) hours without providing adequate~~  
4 ~~fresh food, clean water, proper shelter, protection from the weather and elements,~~  
5 ~~including rain and direct sun, and necessary veterinary care for the animal~~ dog or cat.  
6 ~~Animals~~ A dog or cat locked unattended in a vacant house, trailer, or other similar  
7 structure or stored unattended in a boarding facility in excess of twenty-four (24) hours  
8 shall be considered abandoned.

9 **Sec. 4-20. Fighting or baiting animals prohibited.**

10 . . .  
11 (d) Any person violating this section shall be issued a citation by an officer.  
12 ~~Prior to the issuance of the citation, an officer may issue a warning to any person~~  
13 ~~violating this section.~~ Pursuant to Section 4-28, A citation may be appealed by filing a  
14 ~~written notice of appeal~~ request for administrative hearing with the Division within ten  
15 (10) days after ~~issuance of~~ receiving the citation. ~~The hearing before the hearing officer~~  
16 ~~shall be governed as provided in Section 4-12.5 of this Code.~~ The Division may,  
17 pursuant to Section 828.073, Florida Statutes, impound any ~~animals~~ dogs or cats or  
18 equipment used in committing the violation and shall provide for appropriate and  
19 humane care or disposition of the ~~animals~~ dogs or cats.

20 (e) When any wild animal, used for the purpose of fighting or baiting, appears  
21 to be injured or otherwise in need of human intervention, an appropriate wildlife  
22 rehabilitation center shall be notified for proper care, handling, and disposition.

23  
24  
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1 **Sec. 4-21. Medical experimentation on a dog or cat.**

2 It shall be deemed a violation of this section for any person, firm, or corporation  
3 to deliver, sell, offer, or give any ~~animal~~ dog or cat to any organization for medical  
4 experimentation.

5 **Sec. 4-22. Report of injury to ~~animal~~ dog or cat.**

6 It shall be the duty of any person who injures any ~~animal~~ dog or cat by any  
7 means to promptly notify the owner of the ~~animal~~ dogs or cats if known, the ~~d~~Division, a  
8 local veterinarian, or the appropriate law enforcement agency.

9 **Sec. 4-23. Harboring of stray ~~animals~~ dogs and cats.**

10 . . .

11 Animal rescue organizations, veterinarians, or law enforcement agencies that  
12 receive stray ~~animals~~ are required to dogs and cats shall notify the Division within  
13 twenty-four (24) hours of the possession of the ~~any~~ stray ~~animals~~ dogs or cats to enable  
14 the Division to distribute the information to the public.

15 . . .

16 **Sec. 4-28. Enforcement of violations.**

17 . . .

18 (c) The citation form shall include, but not be limited to, the following:

19 (1) Date and time of issuance;

20 (2) Name of officer and division or department issuing the citation;

21 (3) Name and address of the alleged violator;

22 (4) Code section that is alleged to have been violated;

23 (5) Brief description of the nature of the violation, including location, date, and  
24 time of violation;

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1       (6) Amount of the applicable civil penalty;

2       (7) Procedure either to pay the civil penalty or contest the citation;

3       (8) Notice that additional citations may be issued for each day that the  
4       applicable violation is found to exist; and

5       (9) Notice that failure to pay the civil penalty and failure to request an  
6       administrative hearing within ten (10) days after service of the citation  
7       shall constitute a waiver of the alleged violator's right to an administrative  
8       hearing and may result in the entry of an order against the violator and the  
9       imposition of a civil penalty for an amount not to exceed the maximum civil  
10       penalty of five hundred dollars (\$500.00).

11       (d) Any person ~~who willfully refuses~~ refusing to sign and accept a citation  
12 issued by an officer shall be guilty of a misdemeanor of the second degree, punishable  
13 as provided by Sections 775.082 or 775.083, Florida Statutes.

14       ~~(d)~~ (e) Any person cited with a violation of this chapter may, within ten (10)  
15 calendar days of the date of receiving the citation, correct the violation and pay the civil  
16 penalty and applicable costs within ten (10) calendar days of the date of receiving the  
17 citation in the manner indicated on the citation or request an administrative hearing  
18 before a Hearing Officer to appeal the decision of the officer to issue the citation. If the  
19 person cited pays the civil penalty ~~and applicable costs~~, said person shall be deemed to  
20 have waived said person's right to ~~a trial~~ an administrative hearing on the issue of  
21 commission of the violation. A person pleading "no contest" and paying the civil penalty  
22 neither admits nor denies the charges but waives said person's right to a trial an  
23 administrative hearing on the issue of whether said person committed the alleged  
24 violation ~~by paying the civil penalty and applicable costs~~. A person pleading "no

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1 contest" shall not be subject to fines as a repeat or subsequent violator; however, a plea  
2 of "no contest" need not be accepted by the County, Court, or the Hearing Officer.

3 ~~(e)~~ (f) In the event a dog or cat is impounded for violation of this chapter and the  
4 owner of the dog or cat abandons or surrenders the dog or cat to the Division, the  
5 owner remains liable for the civil penalties imposed for violations of this chapter. In the  
6 event the dog or cat runs away, is lost, is given away, or dies, the owner of the dog or  
7 cat shall be liable for any civil penalty imposed for violations of this chapter.

8 ~~(f)~~ (g) Any person who fails to pay the civil penalty ~~within the time allowed~~, or  
9 fails to ~~appear in court~~ request an administrative hearing to contest the citation within  
10 the time period allowed, shall be deemed to have waived ~~his or her~~ such person's right  
11 to contest the citation; and judgment may be entered against the person ~~in the County~~  
12 ~~Court in and for Broward County~~ for an amount not to exceed the maximum civil penalty  
13 of five hundred dollars (\$500.00).

14 ~~(g)~~ (h) ~~Any person contesting a citation shall be subject to a processing fee as~~  
15 ~~set by resolution of the Commission.~~ Contested citations issued by the Division shall be  
16 processed in the Civil Division of the County Court and heard by the Division Hearing  
17 Officer. Hearings shall be governed as provided in Section 4-12.5.

18 ~~(h)~~ (i) Nothing contained herein shall prohibit the enforcement of this chapter by  
19 any other means.

20 ~~(i)~~ (j) A municipality that adopts and enforces additional regulations within the  
21 boundaries of such municipality governing the care and control of dogs and cats, other  
22 than those regulations provided for in this chapter, shall be responsible for all of the  
23 costs of the implementation and enforcement of such additional municipal regulations.  
24

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1     ~~(j)~~ (k)     Notwithstanding any provision to the contrary in this chapter and in order  
2 to quickly reunite pets with their owners, the Division may set up a payment plan for  
3 individuals who are unable to pay the entire amount of their fees and civil penalties due  
4 pursuant to Section 40-38, Broward County Administrative Code. Upon the full  
5 execution of a payment plan agreement between the Division and the pet owner, the pet  
6 may be released to the owner. The form of the payment plan agreement shall be  
7 approved by the Director.

8     ~~(k)~~ (l)     Notwithstanding any provision to the contrary in this chapter, applicable  
9 fees, as set forth in Section 40-38 (except Subsection 40-38(n)), Broward County  
10 Administrative Code, may be waived or reduced by the Division for individuals who  
11 meet federal low income guidelines.

12     ...

13     **Sec. 4-30. Animal Care General Trust Fund Account.**

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

18         (b)     The ~~Broward County~~ Animal Care General Trust Fund Account shall be  
19 self-perpetuating year to year, unless specifically terminated by the Commission.

20         (c)     All gifts, grants, and awards of money received ~~hereunder from either~~  
21 ~~public or private donors~~ shall be placed in trust for and enure to the use and benefit of  
22 dogs and cats in Broward County. Unless said funds are directed for a specific purpose,  
23 the funds shall be expended, utilized, and disbursed only for the use and purpose of  
24 providing for the welfare of dogs and cats within Broward County, ~~including those~~

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1 ~~expenses approved by the Subcommittee (as defined below), incurred by the Division in~~  
2 ~~providing for the health and welfare of dogs and cats in accordance with the criteria set~~  
3 ~~forth below.~~

4 (d) There is hereby created an Broward County Animal Care General Trust  
5 ~~Fund Account~~ Subcommittee (the Subcommittee) consisting of six (6) members, five (5)  
6 of whom shall be members of the Broward County Animal Care Advisory Committee  
7 (the Committee) appointed by the Chair of the Committee. The Director, or designee,  
8 shall serve as the sixth (6th) member but shall be a ~~non-voting~~ nonvoting member. A  
9 quorum shall consist of a majority of the voting members of the Subcommittee. The  
10 affirmative vote of the majority of the voting members is required for approval of a  
11 motion. Members of the Subcommittee shall serve for one (1) two (2) year terms and  
12 may be reappointed for one (1) additional two (2) year term. No member shall serve for  
13 greater than two (2) consecutive terms. Before incurring an obligation or liability that is  
14 anticipated to be paid from the ~~Broward County Animal Care General Trust Fund~~  
15 ~~Account, all persons, including~~ authorized members of the Committee, shall obtain  
16 authorization from the Director and assurance that sufficient funds are available to pay  
17 such obligation or liability. All expenditures shall ~~otherwise~~ be in accordance with the  
18 criteria set forth below and shall be subject to the availability of funds from the Animal  
19 Care General tTrust fFund. The expenditure of ~~tTrust fFund~~ funds shall be subject to ~~the~~  
20 ~~conditions set forth by the donor's specific intent, if any, and the criteria set forth by the~~  
21 Committee, which shall include:

- 22 (1) The Animal Care General tTrust fFund shall provide necessary emergency  
23 medical or surgical treatment and care to sick or injured dogs and cats in  
24

1 Broward County described in Subsection (1)a or ~~Subsection (1)b~~, below,  
2 who come to the attention of the Committee or any member thereof:

3 ...  
4 (2) In all cases involving the provision of necessary medical or surgical  
5 treatment or care to dogs or cats described in Subsection (1)a or  
6 ~~Subsection (1)b~~, above, it shall be the policy of the Committee that the  
7 following procedures be followed:

8 ...  
9 b. A dog or cat qualifying under Subsections (1)a or (1)b, above, may  
10 be taken by a member of the Committee or by Division staff to any  
11 ~~Broward County~~ licensed veterinarian in Broward County, ~~by a~~  
12 ~~member of the Committee or by Division staff~~, who shall be  
13 instructed to provide such veterinary services as in the  
14 veterinarian's sound discretion are necessary to alleviate pain and  
15 suffering and to stabilize the dog or cat. In such an emergency, up  
16 to five hundred dollars (\$500.00) may be expended.

17 c. Such veterinarian shall forward his or her statement to the  
18 Subcommittee for reimbursement, describing in detail the condition  
19 of the dog or cat upon admission to the veterinary facility. Approval  
20 for payment of such veterinary statements shall be by a majority of  
21 the Subcommittee at a meeting called upon proper notice. Any  
22 request for reimbursement for the provision of necessary medical or  
23 surgical treatment or care to dogs or cats described in Subsection  
24 (1)a or ~~Subsection (1)b~~, above, arising from a Committee member

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1 taking a dog or cat in for veterinary services, shall be reimbursed  
2 provided the Subcommittee deems the costs for the services  
3 reasonable. In the event the Subcommittee deems the costs for  
4 the services to be unreasonable, the Subcommittee shall reimburse  
5 the veterinary services at an amount the Subcommittee deems  
6 reasonable.

7 . . .  
8 g. Extraordinary expenses, including costs of radiological services and  
9 other services not provided at the ~~Broward County Animal Care~~  
10 ~~facility~~, County's animal clinic that are incurred by the Division in  
11 treatment and care of dogs and cats, shall be eligible for  
12 reimbursement to the Division upon approval of a majority of the  
13 Subcommittee.

14 (3) A dog or cat adopted from the Division that develops medical or surgical  
15 problems within a period of thirty (30) days from the date of adoption, the  
16 cost of which exceeds the financial resources of the adoptive owner, shall  
17 also qualify to receive benefits from the Animal Care General ~~Trust~~ Fund.  
18 If the medical or surgical problems of such a dog or cat cannot be dealt  
19 with adequately by the County veterinarian and the owner wishes to keep  
20 the dog or cat but cannot afford treatment, and where such treatment is  
21 not the result of apparent abuse or neglect by the owner, the ~~Trust~~ Fund  
22 may provide for necessary additional treatment of the dog or cat by a  
23 ~~Broward County~~ licensed veterinarian in Broward County on a case-by-  
24 case basis and at the discretion of the Director of the Division. A cap of

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1 three hundred fifty dollars (\$350.00) shall be placed on such expenditures,  
2 which may be raised if necessary by a majority vote of the Subcommittee.  
3 In no event shall any expenditures of ~~Trust~~ funds be guaranteed by any  
4 Committee member or made without approval of a majority of the  
5 Subcommittee members at a properly noticed meeting.

6 . . .

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

11 Monies obtained hereunder may be accepted on behalf of Broward County by  
12 the Director or such other person or persons as may be designated by resolution of the  
13 Commission and, upon receipt of said monies, shall cause the same to be delivered to  
14 the Broward County Records, Taxes and Treasury Division, which shall cause the same  
15 to be deposited into the ~~Broward County~~ Animal Care General Trust Fund Account.

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

19 Any gifts, grants, and awards received subject to a condition shall be ~~expended~~  
20 ~~strictly in accordance with such condition~~ deposited in a trust fund specifically  
21 designated for that purpose. Interest accrued on the Animal Care General ~~Trust~~ ~~Fund~~  
22 ~~balances will be made available for operational usage or special programs~~ shall be  
23 maintained apart from the general revenue fund and other accounts of Broward County

24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
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1 to provide and be used for adoption programs, including training, marketing, and other  
2 necessary expenditures, as determined by the Director.

3 ~~Three dollars (\$3.00) from each registration tag sold for sterilized and unsterilized~~  
4 ~~dogs and cats pursuant to the S.P.O.T. Program shall be deposited into the Animal~~  
5 ~~Care Trust Fund Account, which shall be identified separately and recorded in the~~  
6 ~~accounting records to provide for the sterilization of dogs and cats of pet owners~~  
7 ~~meeting the median family income guidelines based on the U.S. Department of Housing~~  
8 ~~and Urban Development annual estimates of median family income units. One dollar~~  
9 ~~(\$1.00) from each registration tag sold for sterilized and unsterilized dogs and cats~~  
10 ~~pursuant to the S.P.O.T. Program shall be deposited into the Animal Care Trust Fund~~  
11 ~~Account, which shall be identified separately and recorded in the accounting records to~~  
12 ~~be used by the Division to provide for training, marketing of adoption services, and other~~  
13 ~~expenditures necessary for the care and adoption of dogs and cats. Upon repeal of the~~  
14 ~~S.P.O.T. Ordinance [Ord. No. 2003-32 and Ord. No. 2008-42] on September 30, 2015,~~  
15 ~~all remaining funds shall be used until exhausted through the sterilization program. The~~  
16 ~~Division shall administer a program consistent with the S.P.O.T. Program.~~

17 (f) ~~The Animal Care Advisory Committee shall establish an amount to be set~~  
18 ~~by the Subcommittee annually for review of requests from dog or cat owners who~~  
19 ~~cannot afford to pay eligible medical or surgical costs pursuant to Subsection 4-30(d) (3)~~  
20 ~~and (4) due to specific situations, including temporary financial distress or unusual~~  
21 ~~circumstances. To be eligible to receive funds pursuant to Subsections 4-30(d)(3) and~~  
22 ~~(4), a dog or cat owner must prepare a request indicating why the owner cannot afford~~  
23 ~~to pay the fees expenses. All requests indicating that an owner cannot afford to pay the~~  
24 ~~fees expenses must be verified, and the information provided shall be reliable. In~~

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1 addition, the dog or cat owner must agree to have the dog or cat ~~spayed or neutered~~  
2 sterilized to reduce dog or cat overpopulation, and have or obtain a current rabies  
3 vaccination and a current Broward County rabies registration ~~tag~~ license. Any  
4 exemptions from these criteria must be made by the Subcommittee. The amount  
5 payable from the Animal Care General ~~Trust~~ Fund may be amended by the  
6 Subcommittee subject to the availability of funding.

7 (g) The Animal Care Advisory Committee, through its Subcommittee, shall  
8 administer the Animal Care General Trust Fund ~~Account~~ in accordance with this  
9 section.

10 (h) No Animal Care General ~~Trust~~ Fund monies, with the exception of  
11 accrued interest as provided in Subsection (e) above, shall be disbursed from the  
12 ~~Broward County~~ Animal Care General Trust Fund ~~Account~~ unless such expenditures  
13 have been authorized by a majority of the Subcommittee ~~members present during a~~  
14 vote at a meeting called upon proper notice.

15 ...

16 **Sec. 4-33. ~~Impounded u~~Unsterilized dogs and cats impound fee.**

17 (a) An unsterilized dog or cat impound fee in an amount set by resolution ~~will~~  
18 of the Commission shall be imposed on the owner of every reclaimed impounded,  
19 unsterilized dog or cat at the time the unsterilized dog or cat is reclaimed from the  
20 Division. Payment of the unsterilized dog or cat impound fee ~~will~~ shall be waived if the  
21 owner has the dog or cat sterilized by a licensed veterinarian and presents proof of such  
22 sterilization to the Division within thirty (30) calendar days ~~of~~ after reclaiming the dog or  
23 cat.

24  
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1 (b) If the dog or cat owner does not have the dog or cat sterilized, or does not  
2 present proof of sterilization, within the thirty (30) calendar day period, the unsterilized  
3 dog or cat impound fee ~~will~~ shall become due and payable at that time. If the dog or cat  
4 is sterilized and the owner does not present proof of such sterilization to the Division  
5 within the thirty (30) calendar days allotted for presenting proof of sterilization, the  
6 owner remains liable for the unsterilized dog or cat impound fee. Payment of the  
7 unsterilized dog or cat impound fee shall be made by the owner within thirty (30)  
8 calendar days of after the date the fee becomes due and payable. Any person who fails  
9 to pay the unsterilized dog or cat impound fee is subject to a civil action by Broward  
10 County to collect the fee. The Division ~~will~~ shall deposit all such collected unsterilized  
11 dog or cat impound fees into ~~an unsterilized pet reserve fund~~ the Animal Care  
12 Sterilization Trust Fund to be used for ~~targeted spay/neuter~~ sterilization programs and  
13 other necessary expenditures, ~~to be disbursed at the sole discretion of~~ as determined  
14 by the Director.

15 (c) Any unsterilized dog or cat ~~which that~~ is impounded ~~two (2) times during~~  
16 ~~any consecutive twelve (12) month period will~~ on more than one (1) occasion shall be  
17 sterilized by the Broward County veterinarian at the owner's expense at a fee set by  
18 resolution of the Commission. Such sterilizations ~~will~~ shall be performed based upon  
19 the health, age, and general condition of the dog or cat.

20 **Sec. 4-34. Animal Care and Adoption Victim Trust Fund.**

21 . . .

22 (h) The Animal Care Victim Trust Fund shall be capped at twenty thousand  
23 dollars (\$20,000.00) in annual revenue. Notwithstanding any provision to the contrary in  
24 this chapter, all Animal Care Victim Trust Funds exceeding twenty thousand dollars

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1 (\$20,000.00) at 11:59 p.m. on September 30<sup>th</sup> of each year shall be deposited into the  
2 Animal Care Sterilization Trust Fund, to be used for sterilization programs, as  
3 determined by the Director.

4 **Sec. 4-35. Animal Care Sterilization Trust Fund.**

5 (a) There is hereby created an Animal Care Sterilization Trust Fund for the  
6 purpose of accepting and disbursing funds received by the County from the following  
7 sources:

8 (1) Three dollars (\$3.00) from each rabies registration license sold for  
9 sterilized and unsterilized dogs and cats shall be deposited into the Animal  
10 Care Sterilization Trust Fund.

11 (2) Pursuant to Subsection 4-11(d), fees collected for rabies registration  
12 license sales over the baseline of one hundred thousand (100,000)  
13 licenses per year shall be deposited in the Animal Care Sterilization Trust  
14 Fund.

15 (3) Pursuant to Subsection 4-33(b), unsterilized impound fees shall be  
16 deposited into the Animal Care Sterilization Trust Fund.

17 (4) Pursuant to Subsection 4-6.5(1), breeder permit fees and fines shall be  
18 deposited into the Animal Care Sterilization Trust Fund.

19 (5) Pursuant to Subsection 4-34(h), excess funds in the Animal Care Victim  
20 Trust Fund shall be deposited into the Animal Care Sterilization Trust  
21 Fund.

22 (6) Sterilization grants, gifts, awards of money, and other revenue intended to  
23 fund sterilization programs shall be deposited into the Animal Care  
24 Sterilization Trust Fund.

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underscored type are additions.

1 Funds received hereunder shall be deposited in a separate account established and  
2 maintained apart from the general revenue fund and accounts of Broward County to  
3 provide for the sterilization of dogs and cats.

4 (b) The Animal Care Sterilization Trust Fund account shall be self-  
5 perpetuating year to year, unless specifically terminated by the Commission.

6 (c) Disbursement of funds pursuant to this section shall be determined by the  
7 Director.

8 **Sec. 4-36. Animal Care Adoption Trust Fund.**

9 (a) There is hereby created an Animal Care Adoption Trust Fund for the  
10 purpose of accepting and disbursing funds received by the County from the following  
11 sources:

12 (1) One dollar (\$1.00) from each rabies registration license sold for sterilized  
13 and unsterilized dogs and cats shall be deposited into the Animal Care  
14 Adoption Trust Fund.

15 (2) Pursuant to Subsection 4-30(e), interest income from the Animal Care  
16 General Trust Fund shall be deposited into the Animal Care Adoption  
17 Trust Fund.

18 (3) Grants, gifts, donations, and awards of money designated for adoption  
19 programs shall be deposited into the Animal Care Adoption Trust Fund.

20 Funds received hereunder shall be deposited in a separate account established and  
21 maintained apart from the general revenue fund and accounts of Broward County to  
22 provide for the adoption of dogs and cats.

23 (b) The Animal Care Adoption Trust Fund account shall be self-perpetuating  
24 year to year, unless specifically terminated by the Commission.

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1       (c)    Disbursement of funds pursuant to this section shall be determined by the  
2 Director.

3       (d)    On or before December 1<sup>st</sup> of every year, the Division shall file an annual  
4 report with the Board of County Commissioners describing funds deposited into and  
5 disbursed from the Animal Care Adoption Trust Fund for the prior fiscal year.

6 **Sec. 4-37. Feeding of dogs and cats outdoors.**

7       (a)    Dogs and cats, except for community cats, shall only be permitted to be  
8 fed outdoors as follows:

9           (1)   Any food provided outdoors shall only be provided for such time required  
10 for daily consumption, after which time the food shall be removed.

11          (2)   Any food provided outdoors shall be placed in a sanitary container  
12 sufficient for the dog or cat being fed. Automatic feeders that are  
13 maintained and secured may be used to dispense daily food rations.

14          (3)   Placing excess quantities of food on the ground, placing excess quantities  
15 of food in bowls or other containers, or leaving open food packages is  
16 prohibited.

17          (4)   Feeding dogs or cats outdoors shall take place only on property owned by  
18 the person placing the food or with consent of the property owner.  
19 Feeding dogs or cats on public or government-owned property must be  
20 approved by the applicable governmental owner or by the appropriate  
21 authority within the jurisdiction where the feeding is taking place.

22          (5)   Any person violating any of the provisions of this section shall be subject  
23 to a fine in an amount established by resolution of the Commission. Each  
24 violation of this section shall be considered a separate infraction.

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1 **Sec. 4-38. Colony management.**

2 Broward County recognizes that there are community cat caregivers and  
3 acknowledges that community cats living in colonies may be tolerated living outdoors,  
4 provided such cats are cared for in accordance with the following requirements:

- 5 (a) All community cats living in colonies shall be cared for on the private  
6 property of the community cat caregiver or with the permission of the  
7 property owner or property manager.
- 8 (b) Community cat caregivers shall provide certain necessities on a regular  
9 and ongoing basis, including, but not limited to, proper nutrition and  
10 medical care, as needed.
- 11 (c) Community cats living in colonies shall be sterilized, ear-tipped, and  
12 vaccinated for rabies. Community cats living in colonies shall be exempt  
13 from rabies registration license requirements of Section 4-11 and the stray  
14 animal provisions of Section 4-23.
- 15 (d) Food shall be provided in the proper quantity for the number of cats being  
16 managed and is to be supplied no less than once per day. Food must be  
17 placed in feeding containers that are maintained and secure.
- 18 (e) Water, if supplied, must be clean, potable, and free from debris and algae.
- 19 (f) Shelter, if provided, shall be unobtrusive, safe, and of the proper size for  
20 the community cat(s).
- 21 (g) Healthy community cats that have been impounded by the Division may  
22 be immediately returned-to-field, released to a community cat caregiver,  
23 or, if considered sufficiently socialized, adopted. Notwithstanding the  
24 foregoing, whenever an impounded community cat is visibly injured or

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1 diseased, appears to be suffering, and upon the advice of the Division's  
2 veterinarian, such community cat cannot be expeditiously cured and  
3 returned to an outdoor living environment, or transferred to a rescue  
4 group, then the Division may humanely euthanize the community cat.

5 **Sec. 4-39. Community cat management programs.**

6 (a) Broward County acknowledges the need to address the permanent  
7 presence of community cats living in an outdoor environment, independent of human  
8 intervention. Management programs to reduce the uncontrolled reproduction of  
9 community cats shall be implemented by the Director to provide for the sterilization and  
10 return-to-field of all healthy community cats entering the County shelter.

11 (1) All community cats entering the County shelter shall be counted toward  
12 intake and, upon return-to-field, shall be counted as a live-release.

13 (2) All community cats entering the County shelter shall be examined for  
14 temperament to evaluate their ability to survive in an outdoor environment  
15 with or without assistance from a community cat caregiver.

16 (3) Community cats shall be sterilized, ear-tipped, vaccinated, and returned to  
17 the original point of pick-up by an officer or released to an approved  
18 rescue group. However, any community cat determined to be a nuisance  
19 by the Division shall be relocated to an alternate suitable outdoor location.

20 (4) Community cats shall be exempt from the rabies registration license  
21 requirements of Section 4-11 and the stray animal provisions of  
22 Section 4-23.

23 (b) Trap-neuter-return. Broward County recognizes there are community cats  
24 that may not enter the shelter or be under the care of a community cat caregiver.

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1 Management programs to curtail breeding of community cats may be implemented,  
2 funded, or otherwise supported by the Director to provide for trapping, sterilization, and  
3 return-to-field of healthy community cats.

4 (1) Community cats shall be sterilized, ear-tipped, vaccinated, and returned to  
5 the original point of pick-up. However, any community cat determined to  
6 be a nuisance shall be relocated to a suitable outdoor location.

7 (2) Community cats shall be exempt from the rabies registration license  
8 requirements of Section 4-11 and the stray animal provisions of  
9 Section 4-23.

10 (3) Community cats may be returned-to-field by an officer or a community cat  
11 caregiver in accordance with the provisions of this section.

12 Section 2. SEVERABILITY.

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

19 Section 3. INCLUSION IN CODE.

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

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1       Section 4.   EFFECTIVE DATE.

2       This Ordinance shall become effective as provided by law.

3  
4       ENACTED   September 10, 2015

5       FILED WITH THE DEPARTMENT OF STATE   September 11, 2015

6       EFFECTIVE   September 11, 2015

7  
8       Approved as to form and legal sufficiency:  
9       Joni Armstrong Coffey, County Attorney

10       By /s/ John E. Naclerio III       09/10/15  
11       John E. Naclerio III       (date)  
12       Assistant County Attorney

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      Ch4.CommunityCat-TrustAcct.Ordinance  
      #15-414

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