

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING TITLE IX, GENERAL REGULATIONS, CHAPTER 92, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, BY AMENDING SECTION 92.01, DEFINITIONS; AMENDING SECTION 92.02, AGGRESSIVE ANIMALS; CREATING SECTION 92.024, ADMINISTRATIVE HEARINGS; CREATING SECTION 92.028, ADDITIONAL REGULATIONS RELATING TO DANGEROUS DOGS; AMENDING SECTION 92.03, ANIMALS RUNNING AT LARGE; UNRESTRAINED IN VEHICLE PROHIBITED; AMENDING SECTION 92.05, PROHIBITED ANIMALS; AMENDING SECTION 92.07, CONFINEMENT OF ANIMALS IN HEAT; AMENDING SECTION 92.08, QUARANTINE OF ANIMALS SUSPECTED OF RABIES; AMENDING SECTION 92.09, NOISY ANIMALS PROHIBITED; AMENDING SECTION 92.10, IMPOUNDMENT; REDEMPTION; FEES; AMENDING SECTION 92.11, DISPOSITION OF UNCLAIMED IMPOUNDED ANIMALS; AMENDING SECTION 92.14, ANIMAL CARE; MANNER OF KEEPING; AMENDING SECTION 92.16, REMOVAL OF ANIMAL DEFECATION ON PUBLIC OR PRIVATE PROPERTY; AMENDING SECTION 92.18, NUMBER OF ANIMALS; AMENDING SECTION 92.19, TRAP, NEUTER, VACCINATE AND RELEASE PROGRAM; AMENDING SECTION 92.20, RETAIL SALES OF DOGS, CATS AND RABITS; CREATING SECTION 92.21, ANIMALS IN VEHICLES; CREATING SECTION 92.22, RESPONSIBLE OWNERSHIP; CREATING SECTION 92.23, EVICTIONS, INCARCERATIONS, HOSPITALIZATIONS, AND OTHER INVOLUNTARY OCCURRENCES; EFFECTS ON ANIMALS; CREATING SECTION 92.24, ANIMAL HORDING PROHIBITED; AMENDING SECTION 92.28, INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED; AMENDING SECTION 92.29, INVESTIGATION BY ANIMAL CONTROL OFFICER; AMENDING SECTION 92.41, APPLICATION; ISSUANCE; AMENDING SECTION 92.44, LICENSING FEES; CREATING SECTION 92.48, CITATION; AMENDING SECTION 92.99, PENALTY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Port St. Lucie, Florida, (“City”) desires to update Chapter 92, Animal, of the Port St. Lucie Code of Ordinances (“Code”) for the purpose of safeguarding the health and safety of the residence and animals within the jurisdiction of the City of Port St. Lucie through the promotion of responsible

pet ownership and the adoption of industry best practices, while considering the specific goals and needs of the City; and

**WHEREAS**, the adequate regulation of animals has a direct effect on the general health, welfare, and safety of the residents of the City.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. The below listed Sections of Title IX, General Regulations, Chapter 92, Animals, of the Code are amended as follows, with additions being shown by underline and deletions being shown by ~~striketrough~~. All other portions of Chapter 92 are to remain unchanged:

## **CHAPTER 92. ANIMALS**

### ***ARTICLE I. GENERAL PROVISIONS***

#### **Sec. 92.01. Definitions.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Adequate food.* Food which is of sufficient quality and quantity to maintain each animal in good health. The owner or keeper shall ensure that adequate food is:

- (a) accessible to each animal,
- (b) prepared so as to permit ease of consumption for the age, species, condition, size, and type of animal,
- (c) provided in a clean and sanitary manner,
- (d) placed so as to minimize contamination by excrement and pests, and
- (e) provided at suitable intervals for the species, age, and condition of the animal, which is at least once daily except as prescribed by a veterinarian.

*Adequate water.* Clean, fresh, potable water of a drinkable temperature. The owner shall always ensure that adequate water is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian. The water must be provided in a clean, durable receptacle, which is accessible to each animal and is placed to prevent tipping over and contamination of the water from debris, excrement, and pests.

*Animal.* Any living vertebrate except a human being.

*Animal control division, division, or Animal Control.* A division of the City of Port St. Lucie, consisting of Animal Control Officers employed by the city for the purpose of aiding in the enforcement of state and local laws and ordinances relating to animals.

*Animal control officer.* Any person employed or appointed by the city for the purpose of aiding in the enforcement of state and local laws and ordinances relating to animals, investigating, on public or private property, civil infractions relating to animal control or cruelty, and to issue citations for civil infractions pertaining to animals. Animal Control Officers, as a prerequisite to issuing citations, must successfully complete a state approved minimum standard training course. An Animal Control Officer is not authorized to bear arms or make arrests unless the Animal Control Officer is also a law enforcement officer as defined in Section 943.10, Florida Statutes.

*Animal rescue organization.* A nonprofit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, devoted to the welfare, protection, rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

*Animal shelter.* Any public or private organization existing for the purpose of rescuing and sheltering stray, abandoned, or surrendered animals ~~or a person who rescues and shelters stray, abandoned, or surrendered animals, either of which~~ places animals for adoption, regardless of whether the organization charges for a fee or requests or requires a donation, or for free, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

*At large.* Any animal shall be deemed to be at large when it is not under direct control or restraint.

*Bite.* An puncture or tear of the skin inflicted by the teeth of an animal or the claws of a cat.

*Breeder.* Any person and/or entity that sells, transfers, or gives away all or part of a litter of dogs or cats, or rabbits that were bred and reared on the premises of the person and/or entity.

*Captive wildlife.* Any animal, the possession of which requires special permitting by the Florida Fish And Wildlife Conservation Commission.

*Citation.* A written notice is issued to a person by an officer stating that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance, and that the county court will hear the charge. ~~The citation shall contain:~~

- ~~(1) The date and time of issuance.~~
- ~~(2) The name and address of the person.~~
- ~~(3) The date and time the civil infraction was committed.~~
- ~~(4) The facts constituting probable cause.~~
- ~~(5) The ordinance violated.~~
- ~~(6) The name and authority of the officer.~~
- ~~(7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~
- ~~(8) The applicable civil penalty if the person elects to contest the citation.~~
- ~~(9) The applicable civil penalty if the person elects not to contest the citation.~~
- ~~(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.~~
- ~~(11) A conspicuous statement that if the person is required to appear in court, he or she does not have the option of paying a fine in lieu of court.~~

*Community cat.* Any feral or free-roaming cat that has been sterilized, vaccinated for rabies, distinguished from other cats by being ear-tipped and microchipped, returned to the field, and is cared for by one or more known or unknown individual caregivers.

Community cat caregiver. A person who provides food, water and/or other care for one (1) or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

Direct control. The immediate, continuous physical control of an animal by means of confining within a house, building, fence, pen or other enclosure, or restrained by means of leash, cord, chain, or similar tether of sufficient strength to restrain the animal subject to the restrictions provided herein.

*Dangerous Dogs.*

(1) ~~"Dangerous dog" means a~~Any dog that according to the records of the appropriate authority:

~~(a)~~a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

~~(b)~~b. Has severely injured or killed a domestic animal while off the owner's property; or

~~e. — Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting;~~

~~(c)~~d. Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.

(2) ~~"Unprovoked" means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.~~

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

*Domestic pet.* Dogs, cats, and miniature Vietnamese potbellied pigs.

*Extreme weather.* For the purposes of this chapter, extreme weather shall include but not be limited to the following conditions:

~~(1)~~(a) Hurricane;

~~(2)~~(b) Tropical storm;

~~(3)~~(c) Temperatures Aabove 85 degrees Fahrenheit with a heat index of 100 degrees or higher; or

- (4)(d) Temperatures Bbelow 40 degrees Fahrenheit with a 35 degrees or lower wind chill factor.

In determining whether extreme weather conditions exist, an animal control officer shall consider extenuating circumstances such as shaded areas and availability of water.

~~*Farm animal.* Any horse, goat, swine, cattle, sheep, mule, bee, fowl, except those listed as domestic pets in this chapter and those deemed to be domestic pets pursuant to this chapter.~~

*Fowl.* Any live chickens, turkeys, ducks and geese, guineas, pea fowl, and pheasant.

*Harbor.* The act of keeping and caring for an animal or providing premises to which the animal returns for food, shelter, or care for five consecutive days or more. The term “Harbor” does not include those circumstances wherein an individual temporarily captures or holds a stray animal and immediately returns the animal to its owner or an animal control officer.

*Hearing Officer.* ~~Hearings shall be conducted by the~~ A Special Magistrate appointed by the City Council.

*Hoarding.* Owning, keeping, or harboring an unusual number of animals while failing to provide minimal standards of nutrition, sanitation, shelter, or veterinary care. Indications of hoarding may include, but are not limited to, home or property deterioration, strong odor of urine or feces, dried feces accumulated on floors and furniture, unsterilized animals, uncontrolled breeding, the keeping of animals primarily cages, and the presence of fleas or other insects or vermin.

*Hunt or hunting.* To follow, search, or pursue wildlife, ~~as defined hereinafter,~~ or the use of structures or tree stands for the purpose of capturing or killing wildlife either for food or in sport, or the use of any animal or ~~hunting~~ falcon for this purpose.

*Impoundment.* The taking of or picking up of and confinement of an animal by an officer under the provisions of the chapter.

*Leash.* A cord, rope, chain, or similar device which holds an animal under restraint and is not more than six feet in length.

*Livestock.* All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals, except those listed as domestic pets in this chapter and those deemed to be domestic pets pursuant to this chapter.

*Officer.* Any law enforcement officer defined in F.S. § 943.10, or any animal control officer.

*Owner.* Any person, firm, partnership, corporation, organization, or two or more persons having a joint or common interest, or any other association, owning, harboring, keeping, or caring for, possessing, or having control or custody of one or more animal for more than ten days ~~any animal, including any person's parent or guardian if the owner of the animal is a person under the age of eighteen (18).~~ There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a microchip, is the owner. This definition of the term "owner" shall not be considered as establishing legal ownership of an animal for purposes beyond the terms of this chapter for the redemption of impounded animals.

*Pet shop.* Any retail or commercial establishment, ~~whether person and/or entity,~~ open to the public that sells or transfers, or offers for sale or transfer, dogs, cats, and/or rabbits regardless of the age of the dog, cat, or rabbit, ~~including such establishments which also sell grooming services and/or domestic pet supplies and accessories (including but not limited to food, bedding, toys, grooming products, collars leashes and the like).~~ Such an establishment may be permanent, temporary, or virtual. Breeders, animal rescue organizations, and animal shelters shall not be considered a pet shop under this chapter.

*Quarantine.* A strict confinement, isolation, and observation imposed on an animal suspected of having rabies or any other infectious zoonotic disease, on premises or other defined geographic areas, to prevent the spread of disease or pests.

*Radio Frequency Identification Device (RFID) Tag.* A device implanted under the skin of an animal by a certified and practicing veterinarian which, after being scanned, provides an individual identification code which can be used to identify the owner of the animal. RFID tags are also known as microchips.

*Reasonable ~~R~~estrictions.* Restrictions placed upon an animal by the Animal Control Division following the investigating process for declaring ~~an animal~~ a dog dangerous that must be always adhered to ~~at all times~~ by the animal's owner. Such restrictions may include but are not limited to: muzzling the animal, placing the animal in a secured room when people visit the owner's residence, the owner being physically present when the animal is in its own fenced enclosure, and the animal being walked on a leash by a competent adult ~~over~~ eighteen (18) years of age or older.

*Responsible person.* A responsible person is an individual who is at least 15 years of age or older who may provide temporary supervision or care for an animal

as permitted by the owner of the animal. A responsible person as described herein may be the owner, or may be a person who is not the owner but has been permitted by the owner to provide temporary supervision or care.

*Restraint.* A domestic pet is under restraint if it is physically:

- (a) on a leash no longer than six (6) feet in length and controlled by a competent person,
- (b) tethered on a lead or chord,
- (c) within a vehicle in accordance with section 92.21, or
- (d) within an enclosed area or otherwise secured within the property limits of its owner or keeper not to include verbal command. Electronic fences are considered restraint when the domestic pet is wearing the electronic collar, the electronic system is working properly, the electronic fence is not closer than five feet from a sidewalk, roadway, or property line, and the domestic pet is within the property limits of its owner or keeper. Sidewalks and swales are deemed to be outside the property limits for purpose of this chapter.

*Retail sale.* A sale, regardless of any exchange of consideration for the animal or animal services, that takes place at the same time or same location. This term also includes any combination of the following: offer for sale, auction, barter, display for sale, adoption, re-home, exchange for compensation, or otherwise give away, trade, deliver, lease, rent, include as part of a package deal, advertise for sale, or otherwise dispose of dogs, ~~or~~ cats, or rabbits to a person in a pet shop or in association with a pet shop.

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

*Shelter/~~housing~~* means provisions of and access to a three-dimensional structure that has a roof, a minimum of three walls, and a floor, and is dry, sanitary, clean, weatherproof, and made of durable material. The structure must be sufficient in size to allow the sheltered animal(s) to stand up, turn around, and lie down comfortably. The structure must ~~me~~ be designed to protect the animal(s) from the adverse effects of the elements and environmental conditions. The structure must:

- (1) (a) Be free of standing water, accumulated waste, and debris;
- (2) (b) Protect the animal(s) from injury;
- (3) (c) Have adequate ventilation and shade;



(d) Provide a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner; and

(e) Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian.

Wire, grid, or slat floors of structures that permit the animal's feet to pass through openings, or sags under the animal's weight, or that otherwise do not protect the animal's feet or toes from injury are prohibited, except structures for birds where perches are provided. ~~All of the foregoing minimum standards by which a structure shall meet the minimum standards defined herein so as to can qualify as shelter/housing. and Failure of a structure to meet any one or more of the standards set forth in this definition shall result in the structure failing to qualify as shelter/housing.~~

Sterilized. Rendered permanently incapable of reproduction.

Stray animal. An animal that has no identification and was at large.

*Tease.* To intentionally disturb, provoke, interfere with, or annoy any animal.

*Tethering.* The use of a ~~A~~ rope, chain, or similar restraint for holding an animal in place, allowing a short radius in which it can move.

*Traveling animal show.* Any spectacle, display, act, or event, including circuses and carnivals, where animals are maintained, whether or not the animals actually perform, whose owners or operators do not have their principal place of business in the city.

*Unprovoked.* Unprovoked means that the victim had been conducting himself or herself peacefully and lawfully at the time he or she was bitten, chased in a menacing fashion, or attacked.

*Wildlife.* Includes all game animals such as deer and squirrels, fur-bearing animals such as muskrat, mink, raccoon, otter, civet cat, skunk, red and grey fox, bear, panther, opossum, and rabbits; game birds such as swans, geese, brant, and river and sea ducks, marsh hens, coots, shore birds, quail, plovers, surf birds, snipe, woodcocks, sandpipers, tattlers, and curlews, wild turkeys, grouse, pheasants, and mourning doves or turtle doves, and all wild birds, other than game birds; and all wild animals not specifically mentioned herein.

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### **Sec. 92.02. Dangerous Dogs.**

- (a) The Animal Control Division shall investigate reported incidents involving any dog that may be a dangerous dogs. As a part of its investigation, the Animal Control Division shall, if possible, interview the owner of the dog and shall require an affidavit from any person desiring to have a dog classified as a dangerous dog.
- (b) A dog may not be classified as a dangerous dog if either of the following has occurred:
  - (1) the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the owner's property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog, its owner, a family member, or a guest; or
  - (2) the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (c) Pending the outcome of the investigation or any hearing or appeal related to a dangerous dog classification:
  - (1) The dog that is the subject of a dangerous dog investigation that has not been impounded by Animal Control shall be humanely and safely confined by the owner in a securely fenced or enclosed area and shall be subject to any reasonable restrictions placed thereon by Animal Control;
  - (2) The address of where the dog resides shall immediately be provided to Animal Control;
  - (3) A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred.
- (d) After its investigation, Animal Control shall make an initial determination as to whether there is sufficient cause to classify the dog as a dangerous dog as defined in this Chapter. Within five (5) calendar days of an initial determination that sufficient cause exists, Animal Control shall provide written notification of this initial determination to the Owner by certified mail, return receipt requested, or certified hand delivery. This written notification shall also inform the Owner that the Owner has the right to a hearing before the dangerous dog classification becomes final.
- (e) Within seven (7) calendar days after receipt of Animal Control's written notification of its sufficient cause determination, the owner may submit a written request for an administrative hearing in front of a Special Magistrate to

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contest the dangerous dog classification. The written request for a hearing shall either be mailed or hand delivered to the address provided by Animal Control in its written notification.

- (f) If the owner makes a timely request for a hearing, the hearing shall be held not later than twenty-one (21) calendar days, but not sooner than five (5) calendar days, after receipt of the request from the owner. If, however, the hearing is not timely requested, the dangerous dog classification by Animal Control shall become final.

### **Sec. 92.02. Aggressive animals.**

- (a) ~~Animal Control shall investigate complaints involving animals that may be aggressive. Animal Control shall have the authority to designate an animal as aggressive.~~
- (1) ~~Provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by Animal Control, an animal shall be designated as aggressive if the animal has:~~
- ~~a. Severely injured or killed a domestic animal while off the owner's property,~~
  - ~~b. Been used primarily or in part for the purpose of dog fighting or is a dog trained for fighting,~~
  - ~~c. When unprovoked, been involved in an attack that causes multiple bites to one person or bites multiple people that does not rise to the level of severe injury or death of a person or animal(s) on public or private property, or~~
  - ~~d. In the opinion of an Animal Control Officer or law enforcement officer, the animal posed a threat to the safety and welfare of the community.~~
- (b) ~~An animal may not be declared aggressive if either of the following has occurred:~~
- ~~(1) the threat, injury or damage was sustained by a person who, at the time was unlawfully on the property or while lawfully on the property was tormenting, abusing or assaulting the animal, its owner, a family member or guest, or~~
  - ~~(2) the animal was protecting or defending a human within the immediate vicinity of the animal from unjustified attack or assault.~~

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- ~~(c) The owner of the animal being investigated shall, if possible, be interviewed. An affidavit from any person and/or witness desiring to have an animal classified as aggressive shall be submitted to Animal Control.~~
- ~~(1) An animal that is the subject of an aggressive animal or dangerous dog investigation, that is not impounded with Animal Control, shall be humanely and safely confined by the owner in a secured fenced or enclosed area and shall be subject to any reasonable restrictions placed thereon by Animal Control pending the outcome of the investigation and resolution of any hearings related to the aggressive animal or dangerous dog classification.~~
- ~~(2) The address of where the animal resides shall immediately be provided to Animal Control.~~
- ~~(3) No animal that is the subject of an aggressive animal or dangerous dog investigation may be relocated nor may ownership be transferred pending the outcome of an investigation and/or any hearings related to the determination of an aggressive animal or dangerous dog declaration.~~
- ~~(d) If Animal Control determines that there is sufficient cause to classify the animal as aggressive, Animal Control shall provide written notification of this initial determination to the owner by registered mail or certified hand delivery of the animal within five (5) calendar days of the initial determination.~~
- ~~(1) Any aggressive animal or dangerous dog not already impounded shall be impounded at the owner's expense by Animal Control pending the outcome and resolution of any hearings related to the aggressive animal or dangerous dog classification.~~
- ~~(2) The owner may file a written request for an administrative hearing in front of a Special Magistrate to appeal the classification within seven (7) calendar days after receipt of the sufficient cause findings. The written request for a hearing shall be mailed to the address provided by Animal Control in the aggressive animal notification letter.~~
- ~~(e) Administrative hearing process for aggressive animal appeal.~~
- ~~(1) Upon receipt of an owner's timely request for an administrative hearing, a hearing shall be scheduled with the City of Port St. Lucie's Special Magistrate within twenty one (21) calendar days, but no sooner than five (5) calendar days.~~

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- ~~(2) A notice of hearing shall be sent by first class mail or certified hand delivery to the named appellant at his/her last known address. The notice of hearing shall include the following:
  - a. ~~Place, date and time of hearing;~~
  - b. ~~Right of the violator to be represented by a lawyer; and~~
  - c. ~~Right of the violator to present witnesses and evidence.~~~~
- ~~(3) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the Special Magistrate at least five (5) calendar days prior to the date set for the hearing.~~
- ~~(4) All hearings of the Special Magistrate shall be open to the public. Assuming proper notice is achieved, a hearing may proceed in the absence of the named violator.~~
- ~~(5) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript. All testimony shall be under oath.~~
- ~~(6) The clerk of the City of Port St. Lucie shall provide clerical and administrative personnel as may be reasonably required by the Special Magistrate for the proper performance of his/her duties.~~
- ~~(7) Each case before a Special Magistrate shall be presented by the city attorney or his/her designee.~~
- ~~(8) The hearing will not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the Special Magistrate finds it to be competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.~~
- ~~(9) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her.~~
- ~~(10) The Special Magistrate shall make findings of fact based on evidence of record. In order to uphold the aggressive animal determination, the Special Magistrate must find that a preponderance of the evidence supports the determination.~~

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- ~~a. The Special Magistrate shall have the power to adopt procedures for the conduct of hearings, subpoena alleged violators and witnesses for the hearings, subpoena evidence, take testimony under oath, and assess and order the payment of administrative costs.~~
  - ~~b. The fact finding determination of the Special Magistrate shall be limited to whether one or more of the criteria listed in subsection 92.02(a)(1) of this section were met. Based upon this fact finding determination, the Special Magistrate shall either affirm or reverse the sufficient cause findings of the Animal Control Division.~~
  - ~~c. If the decision of the Special Magistrate is to affirm the Animal Control Division's decision, then the owner shall be responsible to pay the administrative costs of the hearing. The owner 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.~~
- ~~(11) The owner may appeal the Special Magistrate's findings by filing a written request for a hearing in the county court within ten (10) business days after the receipt of the written notification of the aggressive animal classification.~~

### **92.024 Administrative Hearings**

- (a) After the hearing has been scheduled, a notice of hearing shall be sent to the owner by certified mail, return receipt requested, or certified hand delivery. The notice of hearing shall include the following:
  - (1) The place, date and time of the hearing;
  - (2) The right of the owner to attend the hearing;
  - (3) The right of the owner to be represented by an attorney at the expense of the owner;
  - (4) The right of the owner to testify, to call witnesses, and present evidence;
  - (5) The right of the owner to make arrangements to preserve the testimony given at the hearing; and
  - (6) Notice that a request for a continuance will not be considered if not received by the Special Magistrate at least 5 calendar days prior to the hearing.
- (b) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing

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by the Special Magistrate at least five (5) calendar days prior to the date set for the hearing.

- (c) All hearings of the Special Magistrate shall be open to the public.
- (d) Assuming proper notice was provided, the hearing may proceed in the absence of the owner.
- (e) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript. All testimony shall be under oath.
- (f) The clerk of the City of Port St. Lucie shall provide clerical and administrative personnel as may be reasonably required by the Special Magistrate for the proper performance of his or her duties.
- (g) Each case before the Special Magistrate shall be presented by the City Attorney or designee.
- (h) All evidence shall be admitted at the hearing if, in the opinion of the Special Magistrate, it is the type of evidence upon which reasonable and responsible persons would normally rely in the conduct of business, regardless of the existence of any common law or statutory rule which might make such evidence inadmissible in civil actions. The Special Magistrate may exclude irrelevant or unduly repetitious evidence.
- (i) The Special Magistrate shall have the power to adopt procedures for the conduct of hearings, subpoena alleged violators and witnesses for the hearings, subpoena evidence, take testimony under oath, and assess and order the payment of administrative costs.
- (j) Each party shall have the right to call and examine witnesses, introduce exhibits, cross examine opposing witnesses, impeach witnesses, and rebut evidence.
- (k) The Special Magistrate shall make findings of fact based on evidence of record. To uphold a dangerous dog determination, the Special Magistrate must find that there was sufficient cause for Animal Control to classify the dog as dangerous.
- (l) At the conclusion of the hearing, the Special Magistrate shall issue a written order which contains findings of fact and conclusions of law. The fact-finding determination by the Special Magistrate shall be limited to whether Animal Control has proven by a preponderous of the evidence that one or more of the criteria for classifying a dog as a dangerous dog have been met.

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- (m) Upon a dangerous dog classification becoming final after a hearing before the Special Magistrate, Animal Control shall provide a copy of the Special Magistrate's written order to the owner by certified mail, return receipt requested or by certified hand delivery.
- (n) After receipt of the Special Magistrate's order, the owner may appeal the classification by petition for certiorari to the circuit court in accordance with the Florida Rules of Appellate Procedure.

### **92.028 Additional regulations relating to dangerous dogs.**

~~(f) Aggressive animal/dangerous dog requirements.~~

~~(1)(a)~~ Within fourteen (14) days after ~~the animal has been declared aggressive by Animal Control or an aggressive animal or dangerous dog classification is upheld by the county court on appeal,~~ the owner of the animal must obtain an aggressive animal license or dangerous dog license tag for each animal from the Animal Control Division. a dangerous dog classification becomes final after a hearing before the Special Magistrate, by operation of law because of the owner's failure to submit a timely request for a hearing, or upon a Special Magistrate order being upheld by the circuit court on appeal, the owner must obtain a dangerous dog license tag for each animal from the Animal Control Division.

~~(2)(b)~~ The owner must renew the license tag annually.

~~(3)(c)~~ ~~Aggressive animal license or Dangerous dog license tags and renewals shall only be issued to competent persons who are at least eighteen (18) years of age and who present to Animal Control sufficient evidence of all of the following:~~

- ~~a.(1)~~ A current certificate of rabies vaccination for the animal;
- ~~b.(2)~~ That ~~The~~ animal shall be confined in a proper enclosure, suitable for a dangerous dog ~~as defined in F.S.S. 767.11;~~
- ~~c.(3)~~ Clearly visible warning signs at all entry points to the property that informs both children and adults of the presence of ~~an aggressive animal~~ a dangerous dog on the property. Such signage must be approved by the Animal Control Division;
- ~~d.(4)~~ Permanent identification of the animal, such as tattoo on the inner thigh or electronic implantation;
- ~~e.(5)~~ That the animal has been sterilized; and



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- f.(6) That Additional reasonable restrictions, are followed as determined on a case by case basis by the Animal Control Division, will be followed.
- (4)(d) Prior to issuance of the dangerous dog tag ~~aggressive animal license tag~~ and renewal thereof, the owner must pay Animal Control a fee set forth by section 92.44 of this chapter.
- (5)(e) The owner shall immediately notify Animal Control when a dog that has been classified as a dangerous dog ~~an animal that has been classified as aggressive:~~
- a.(1) Is loose or unconfined;
  - b.(2) Has bitten a person or attacked another animal;
  - c.(3) Is sold, given away or dies; or
  - d.(4) Is moved to another address.
- (6)(f) Prior to a dangerous dog ~~an aggressive animal~~ being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to Animal Control. The new owner must comply with all ~~of the~~ requirements of this chapter, even if the animal is later moved from this city to another jurisdiction within the state.
- (7)(g) However, if a dangerous dog ~~an aggressive animal~~ ever moves out and returns to city limits, the owner ~~of an aggressive animal~~ must notify Animal Control that the animal is in the City of Port St. Lucie city limits within forty-eight (48) hours.
- (8)(h) It shall be unlawful for the owner ~~of an aggressive animal~~ to permit a dangerous dog ~~the animal~~ to be outside a proper enclosure unless the animal is muzzled and restrained by a chain or leash, and under the control of a competent person over the age of eighteen (18) years of age. The muzzle must be made in a manner that will not cause injury to the ~~animal~~ dog or interfere with its vision or respiration, but will prevent it from biting any person or animal.
- (9)(i) When being transported, a dangerous dog ~~an aggressive animal~~ shall be safely and securely restrained within a vehicle.
- (10)(j) The owner may exercise ~~the animal~~ a dangerous dog in a securely fenced or enclosed area without a muzzle or leash, if the ~~animal~~ dog remains in his/her sight and only members of the owner's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the ~~animal~~ dog is present.

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- (11)(k) Hunting dogs are exempt from the provisions of ~~subsection 92.02(f)(8)~~ Section 92.028(8) when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials and herding trials are exempt from Section 92.028(8) ~~the provisions~~. However, such dogs at all other times in all other respects shall be subject.
- (12)(l) Section 92.02 does not apply to dogs used by law enforcement officials for law enforcement work.
- (13)(m) Any person who violates any provision ~~of the preceding sections of section 92.02 of this chapter is guilty of~~ may be assessed a fine not exceeding five hundred dollars (\$500.00).
- (14)(n) If an animal that has been previously declared a dangerous dog ~~as aggressive~~ attacks or bites a person or a domestic animal without provocation, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by Animal Control, the dangerous dog animal shall be confiscated by Animal Control, placed in quarantine, as requested by the Department of Health, if necessary, for the proper length of time, or impounded and held for ten (10) days after the owner is given written notice, and thereafter destroyed in an expeditious and humane manner. In addition, the owner of the dangerous dog shall be fined five hundred dollars (\$500.00).
- a. The owner may contest the confiscation during the ten (10) day period in accordance with subsection 92.02(e). ~~In addition, the owner of the animal shall be fined five hundred dollars (\$500.00).~~
- b. ~~Upon confiscation of the animal, Animal Control shall provide the owner of record, tattoo or electronic implantation, or as discovered by Animal Control, a written civil violation notice listing the fine, confiscation, quarantine, impoundment and intent of Animal Control to destroy the animal within the time prescribed.~~

### **Sec. 92.03. Animals running at large; ~~unrestrained in vehicle prohibited.~~**

- (a) It shall be unlawful for any person to permit his/her ~~pet animal~~ animal to run at large in the city. Animals shall not be allowed outside the confines of their owners' homes without proper restraint.

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~~(b) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of that vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraining device that will not permit the animal to reach the outside perimeter of the vehicle.~~

### **Sec. 92.04. Animals allowed to be kept in the city.**

It is prohibited to keep within the corporate limits of the city any live animal except as hereinafter provided:

- ~~(1)~~(a) Domestic pets, parrots, parakeets, canaries, rabbits, guinea pigs, hamsters, ferrets, turtles, fish, snakes, birds (other than those defined as fowl), and lizards. Dogs and cats must be licensed in accordance with sections 92.40 through 92.44. Miniature Vietnamese potbellied pigs must comply with section 92.41.
- ~~(2)~~(b) Any person desiring to keep or maintain any animal which is not enumerated above may do so only after approval by the animal control division whose decision shall be appealable to the city council. The council's decision on the matter shall be absolute and final.

### **Sec. 92.05. Prohibited animals.**

- ~~(1)~~(a) It shall be unlawful to permit permanent housing of captive wildlife animals as defined in section 92.01 in the city limits except pursuant to a permit issued therefore by the Florida Fish and Wildlife Conservation Commission.
- ~~(2)~~(b) It shall be unlawful for any person to knowingly keep any animal having a contagious or infectious disease within the corporate limits of the city.
- ~~(3)~~(c) Livestock and fowl ~~Farm animal~~. It is prohibited to keep within the corporate limits of the city or to run at large within the city limits, any livestock or fowl ~~farm animal~~ as defined in section 92.01, except in areas zoned as agricultural districts.

### **Sec. 92.06. Treatment of injured animals.**

In all cases where injured animals come into the custody of the city for any reason, the owner, if known, shall be immediately notified. Upon the failure of the owner to take custody of the animal and pay all charges assessed, or if the owner is unknown, the city is authorized to take such action as to the treatment and disposition of the animal as it deems necessary and humane.

**Sec. 92.07. Confinement of animals in heat.**

The owner/~~keeper~~ of a female domestic pet in heat (estrus) shall humanely confine such animal in a building or secure enclosure so as to make it inaccessible to a male of like or same species, except for controlled and intentional breeding purposes. It shall be unlawful for any owner to permit any female domestic pet in heat to be upon the streets, or in any public place. Female domestic pets in heat found improperly confined shall be impounded.

**Sec. 92.08. Quarantine of animals suspected of rabies.**

When an animal ~~domestic-pet~~ has bitten an individual, or an animal control officer suspects an animal ~~domestic-pet~~ as being rabid, the ~~domestic-pet animal~~ shall, upon written notice by and at the direction of an animal control officer, be securely quarantined. Should the owner fail to comply with such quarantine, the animal control officer shall immediately impound the ~~domestic-pet animal~~ and quarantine it at the expense of the owner. The ~~domestic-pet animal~~ shall be kept quarantined until released.

**Sec. 92.09. Noisy animals prohibited.**

It shall be unlawful for any person to keep, harbor, own or maintain outdoors any animal which causes a noise disturbance by barking, yelping, howling, screeching, squawking, chirping, cawing, crowing or whistling between the hours of 11:00 p.m. and 6:00 a.m., or repetitive and habitual barking, yelping, howling, screeching, squawking, chirping, cawing, crowing or whistling for ~~continuous~~ periods of five minutes or more at a time. For the purposes of this section, “repetitive and habitual” shall mean non-stop utterances for five consecutive minutes with individual interruptions of less than thirty seconds at a time during the five-minute utterances.

It shall be unlawful for any person to keep, harbor, own, or maintain indoors any animal which causes a noise disturbance by barking, yelping, howling, screeching, squawking, chirping, cawing, crowing, or whistling which is plainly audible from a distance of one hundred (100) feet or more from property line where the animal is located.

**Sec. 92.10. Impoundment; redemption; fees.**

- (a) Any animal found running at large ~~or unrestrained in a vehicle~~ in violation of section 92.03 may be impounded ~~and any person found in violation shall be prosecuted as provided herein.~~

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- (b) Animals impounded under the provisions of subsection (a) above, shall be returned to the ~~resident~~ owner, if known and whenever practicable, upon payment of an impounding fee and costs as prescribed in subsection (c) below.
- (c) Impoundment fees shall be as follows:
  - (1) Base fee each occurrence, per animal: \$25.00.
  - (2) Plus, per night: \$10.00.

### **Sec. 92.11. Disposition of unclaimed impounded animals.**

For Any impounded stray animal not reclaimed by its owner within five three (3) working days, custody of the animal shall become the property of be transferred to the animal shelter control division and the animal shall may then be transferred to an animal shelter to be placed for adoption in a suitable home, fostered, or humanely euthanized. For all other impounded animals not reclaimed by their owner within five (5) working days, the custody of the animal shall be transferred to animal control division and the animal may then be transferred to an animal shelter to be placed for adoption in a suitable home, fostered, or humanely euthanized.

### **Sec. 92.12. Hunting prohibited.**

The hunting of wildlife within the city is prohibited, except as authorized by the city manager or designee for the purpose of controlling nuisances, as determined by the city manager or designee.

### **Sec. 92.13. Licensing of circuses and traveling animal shows.**

- (a) The owner or operator of any traveling animal show desiring to operate in the city shall make written application for permit on forms provided by the animal control division no later than ten (10) days prior to the first performance of any spectacle, display, act, or event within the city. Such application shall include but not be limited to the name of the owner of the traveling animal exhibition, all proposed locations within the city for the traveling animal show, the date the animal show is to arrive within the city, the date of departure and all dates on which it is to perform at any location within the city. The applicant shall further provide proof of the following:
  - (1) Current liability insurance with coverage of one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per occurrence, with maximum deductible of ten thousand dollars (\$10,000.00).

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- (2) All applicable state inspection certificates including a current USDA permit.
- (3) A veterinarian on duty if the show involves wildlife or captive wildlife animals.

### **Sec. 92.14. Animal care; manner of keeping.**

It shall be unlawful for any person keeping an animal to fail to provide for and/or maintain for that animal the following humane conditions:

- (a) Clean, sanitary, and ~~humane~~ safe conditions; kennels, runs, and doghouses shall be kept clean of animal excrement; housing facilities must be structurally sound and in good repair and shall have no sharp points or edges.
- (b) Sufficient quantities of adequate food and ~~fresh~~ adequate water daily; ~~food should be free from contamination. Clean fresh~~ adequate water must be always available to the animal ~~at all times~~ and placed in a container that cannot be tipped over or spilled.

€ Proper air ventilation and circulation;

- (d) Sufficient shelter and protection from the elements and environment; the shelter must provide protection from inclement weather to ensure the animal's comfort and good health. Each animal kept outdoors must have shelter of an appropriate size for the breed;

(1) Indoor standards. The following additional standards shall apply to the sheltering of animals within a fully enclosed structure:

- a. The ambient temperature shall be maintained in a range that ensures that the animal will not suffer from heat stress (heat stroke or hyperthermia), nor cold stress (frost bite or hypothermia).
- b. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide clean and fresh air to the animal.
- (e) Medical attention and/or necessary veterinary care when it is sick, diseased, or injured; to include providing all health-related grooming, cleaning, and parasite control required to ensure the animal is maintained in a humane state and able to carry out normal activities.
- (f) Inoculations against the rabies virus in accordance with Section 828.30, Florida Statutes.
- (g) Proper tethering conditions. No animal shall be tethered unless all of the following provisions are met:

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- (1) Animals younger than six months old, ~~older than seven years~~, or ill shall not be tethered.
- (2) The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of 10 feet long or 4 times the length of the animal (measured from tip of nose to base of tail), whichever is greater.
- (3) The tether must have swivels at both ends of the rope, chain, or similar restraint for holding an animal in place, allowing a short radius in which it can move about and not become tangled.
- (4) Prong, choke, or chain collars are prohibited in the use of tethering an animal.
- (5) The area which the animal may reach while tethered shall be free of entanglements.
- (6) The length and location of the tether must not allow the animal to reach a fence or neighboring property.
- (7) Collar weight shall be appropriate for the animal as determined by a reasonable person.
- (8) A responsible person must always be outside and within view of the animal ~~at all times~~ while tethered. When complying to this subsection, subsections (g)(1), (g)(3), (g)(4), (g)(7), and (g)(11) do not need to be adhered to as the owner is present to ensure the safety of the animal.
- (9) A trolley system is permitted.
- (10) An animal may not be tethered in extreme weather.
- (11) The animal shall have access to a dry and raised area at all times.
- (h) Animals kept outdoors must be brought into the residence if the outside heat index temperature reaches 100 degrees Fahrenheit or higher or wind chill factor reaches 35 degrees Fahrenheit or lower; or during severe inclement weather such as: severe thunderstorm, tropical storm/hurricane warning, tropical storm/hurricane; tornado or flooding.
- (i) Anyone with a ~~If~~ prior case history of 3 or more confirmed at large or manner of keeping violations ~~exist~~, must have a responsible person a resident 18 years of age or older ~~must be~~ home if the animal is tethered or kept outside the residence.

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### **Sec. 92.15. Prohibiting the use of animals as prizes.**

It shall be unlawful for any owner whether for profit, nonprofit, charity, or other purpose to offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance, or any other similar event.

### **Sec. 92.16. Removal of animal defecation on public or private property**

- (a) It shall be unlawful for any person to allow an animal to defecate upon private property not owned by the person or upon public property, including, but not limited to, sidewalks and swales, without removing the defecation.
- (b) Any person owning, possessing, harboring, or having the care, control, or custody of any animal shall immediately remove and thereafter dispose of any fecal matter deposited by the animal on said property.
- ~~(c) This section shall not apply to physically challenged persons.~~
- ~~(d)~~(c) Consent of the property owner in question shall constitute an affirmative defense.

### **Sec. 92.17. Teasing an animal.**

It shall be unlawful for any person to tease an animal.

### **Sec. 92.18. Number of animals.**

It shall be unlawful to own, harbor, or keep more than three (3) ~~five (5)~~ unsterilized domestic pets over the age of 6 months or any combination thereof in a residential zoning district. Anyone found guilty of hoarding animals in violation of Section 92.24 is prohibited from owning, harboring, or keeping more than three (3) domestic pets and is required to sterilize all domestic pets in the household in which they reside.

A person may own, harbor, or keep more than three (3) but no more than five (5) unsterilized domestic pets or any combination thereof in a residential zoning district if one of the following exemptions apply:

- (a) All unsterilized domestic pets are registered with a national or international club, association, or registry recognized by the Animal Control Division, and the owner certifies in writing to the Division that the animals are being used, trained, or considered for use in show(s), sporting competition(s), or other similar competitive event(s) held by one (1) or more national or international clubs, associations, or registries.



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- (b) A veterinarian licensed in the State certifies in writing that one or more of the domestic pets are medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, that would be substantially aggravated by such procedure or would likely cause the domestic pet's death. The writing must state the date by which the domestic pet may be safely spayed or neutered. The Animal Control Division may extend the time for spaying or neutering a domestic pet or may exempt such domestic pet from the spay/neuter requirement based upon the written medical recommendation of a licensed veterinarian. As soon as the medical condition that prevents a domestic pet from being spayed or neutered ceases to exist, it shall be the duty of the owner of such domestic pet to promptly comply with this section. This exemption shall only allow a person to own, harbor, or keep the number of additional unsterilized domestic pets in excess of three (3) for which such veterinarian certification(s) reference.
- (c) The unsterilized domestic pets are six (6) months of age or younger.

### **Sec. 92.19. Trap, neuter, vaccinate and release program.**

- (a) Trap, neuter, vaccinate and return (TNVR) activities and programs shall be authorized in the City of Port St. Lucie in accordance with the provisions of this section. All community cats must be returned to the location they were trapped and cannot be released elsewhere.
- (b) All community cats cared for in accordance with this section shall be exempt from Sections 92.03, 92.09, 92.14, 92.16, 92.18, and 92.40.
- (c) (All community cats must be cared for on the private property owned by the community cat caregiver or on property owned by another with written permission of the property owner, including any city, state, or federal government agency, but not limited to, a managed park, natural area, environmentally sensitive land or on any easement adjacent to such lands without approval from the applicable government entity.
- (d) Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- (e) The following minimum standards and requirements shall apply to anyone providing care to a community cat:
- (1) A community cat caregiver must ensure each community cat in their care has necessities on a regular and ongoing basis, including, but not limited to, proper nutrition and medical care.

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- (2) Food must be provided in a quantity adequate for the number of community cats being managed and is to be supplied no less than once per day.
- (3) Food must be maintained in proper feeding containers and placed in a manner that will not attract wildlife or other animals. The dumping of excess quantities of food on the ground, placing excess quantities in bowls or other containers, and leaving open food packages is prohibited. The duration of the food placed must not exceed three hours within a 24-hour period.
- (4) Adequate water must be provided at all times.
- (f) Whenever an impounded cat is visibly injured or diseased and cannot be expeditiously cured and returned to the field, transferred to an animal rescue organization or an animal shelter, or placed in foster care, the cat may be humanely euthanized in accordance with applicable laws.
- (g) The release of a community cat at the location it was trapped shall not be considered abandonment.

~~The city manager is hereby authorized to institute a pilot trap, neuter, vaccinate, and release program to address concerns about feral cats in the city. The city manager is directed to report the results of such pilot program to the city council after the program has been fully operational for a 5-year term. Any provision of Chapter Section 92 that is found by the city manager to be contrary to the specific requirements of such pilot program shall be deemed not enforceable during such pilot program and any extension thereof authorized by the city council.~~

### **Sec. 92.20. Retail sale of dogs, cats, and rabbits.**

- (a) An adoption-based business model shall be required for the retail sale of dogs, cats, or rabbits at a pet shop whereby all dogs, cats, or rabbits will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. Dogs ~~or~~ cats, or rabbits purchased directly from a breeder, or indirectly through some other intermediary, such as a broker or wholesaler, may not be offered for sale by a pet shop.
- (b) Pet shops shall not offer for retail sale any dog, cat, or rabbit unless the pet shop certifies that the dog, cat, or rabbit comes from one of the following sources:
  - (1) An animal shelter; or
  - (2) An animal rescue organization.

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- (c) An official certificate of veterinary inspection must accompany the sale of any dog or cat, in compliance with Section 828.29(3), Florida Statutes.
- (d) A pet shop that obtains dogs, cats, or rabbits from a permitted source as set forth herein shall post conspicuously on the cage of each dog, cat, and rabbit a certificate of source and provide a copy of the certificate of source to the purchaser or transferee of the animal who shall sign the certificate of source. The pet shop shall retain a copy of the certificate of source signed by the purchaser or transferee for at least one year after the date of sale. The certificate of source shall contain the following information:
  - (1) The name and address of the source from which the dog, cat, or rabbit was obtained and date thereof;
  - (2) A description of the dog, cat, or rabbit including species, breed, sex, color, distinctive markings, physical condition, and health, and, if known, age; and
  - (3) For each dog, cat, or rabbit receiving medical care while in the custody or control of the pet shop, the type of service rendered, date, and the veterinarian's name and contact information.
- (e) Any person(s) and/or entity(s) which owns and/or operates a pet shop that is found to be in violation of any of the provisions of this section may be subject to any applicable enforcement mechanism available to the city. It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained in this section.
  - ~~(1) Each animal produced, reared, bred, kept, sold, or released in violation of this section will be deemed a separate offense.~~
  - (12)A separate offense will be deemed committed on each day during which a violation occurs or continues.
  - (23)Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. Any person(s) or entity(s) that owns or operates a pet shop that is found to be in violation of this section will be required to correct or remedy such violation immediately.
  - (34)The city may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.
  - (45)Nothing precludes this section from being enforced in any other way in accordance with the law.

**Sec. 92.21. Animals in vehicles**

- (a) No vehicle owner, passenger, or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may be expected to cause suffering, disability, or death.
- (b) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, cross tethering, or other device that will prevent the animal from falling, being thrown, or jumping from the motor vehicle.
- (c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

**Sec. 92.22. Responsible ownership**

- (a) It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from his or her animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (b) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.
- (c) Any person found in violation of this section is subject to the penalties prescribed in section 92.99.

**Sec.92.23. Evictions, incarcerations, hospitalizations, and other involuntary occurrences; effects on animals.**

In cases of evictions, incarcerations, hospitalizations, deaths, adjudications of hardship or the like from the Florida Department of Children and Families or other such community service agencies, and/or other involuntary occurrences whereby the owner of an animal is unavailable or unable to care for an animal and such animal is impounded by the Division, the Division shall have the authority to

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transfer the animal to a humane society or private animal nonprofit organization for adoption or other method of disposal, when the following conditions are met:

- (a) Prior to the Division's taking any action as described herein, the Division will attempt by hand delivery or by mail at the address on file with the Division or at the last known address to serve written notice of the Division's intent.
- (b) The owner of the animal shall have five (5) business days from the date of the Division's notice to make proper arrangements for the care of the animal, be it by personal claim or otherwise. If the owner does not make such arrangements for the care of the animal within the aforementioned time period, the City may dispose of the animal in accordance with section 92.11.
- (c) If the Division cannot make contact with the owner, the Division shall give the owner an additional five (5) business days to claim the animal.

### **Sec. 92.24. Animal hoarding prohibited.**

It shall be a violation of this Chapter for any person to collect animals while failing to provide them humane/adequate care; to collect dead animals that are not properly disposed of; and to collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the people in the residence, animals being kept, and/or to the animals or residents of adjacent property.

## ***ARTICLE II. ANIMAL CONTROL OFFICER***

Secs. 92.25, 92.26. Reserved.

### **Sec. 92.27. Duties and powers; ~~immunity from prosecution.~~**

- (a) It shall be the duty of the animal control officer to enforce all city ordinances pertaining to animal regulation; to respond to complaints concerning animals running at large, cruelty to animals, injured animals, and animals creating a nuisance; to apprehend dangerous and vicious animals; to issue notices of violation to owners of animals in violation of city ordinances; to issue citations to owners of animals in violation of city ordinances; to prepare affidavits for issuance of warrants against violators of the city ordinances; to work closely with the police department in regard to animal regulation; and to perform such other duties and functions as the ~~Animal Control Director~~ Division Head and the City Manager may deem necessary in the furtherance of animal regulation in the city.

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(b) For the purpose of discharging the duties imposed by subsection (a) above, the animal control officer is empowered to enter upon any private property, not including any dwelling house or structure or fenced enclosure, and to demand that the animal or, if applicable, the license tag of the animal, be exhibited to the officer. The officer is empowered to enter upon private property, including fenced enclosures, but not a dwelling house or structure, ~~for the purpose of apprehending a rabies suspect animal, animals in need of immediate medical attention including cruelly treated animals, and vicious animals not properly controlled by the owner.~~ pursuant to the guidelines provided under section 828.073, Florida Statutes. Refusal by any property owner to allow the officer to enter upon such person's property as authorized by this section shall constitute a violation. ~~The animal control officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property as authorized by this section.~~

### **Sec. 92.28. Interference with animal control officer prohibited.**

~~It shall be unlawful for any person to forcibly interfere with, hinder, or molest the animal control officer in order to hinder him in the performance of his duties or to unlawfully seek to release any animal in the custody of the animal control officer.~~

It shall be a violation for any person to:

(a) Interfere with, hinder, obstruct, resist, oppose, or threaten bodily harm to any animal control officer, law enforcement officer, or any person authorized to assist an officer.

(b) Mislead, give false information, or provide a false report or statement to an animal control officer.

(c) Without proper authorization, remove or attempt to remove any animal from an animal control officer, remove or attempt to remove any animal from any vehicle used by the animal control officer, or remove or attempt to remove any animal from the animal shelter.

(d) Without proper authorization, remove or release any animal from a trap placed by an animal control officer or tamper with, damage, or relocate a trap placed by an animal control officer.

(e) Refuse to surrender an animal upon lawful demand by any officer.

Pursuant to Section 828.27, Florida Statutes, any person who willfully refuses to sign and accept a citation issued by an animal control officer is guilty of a

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criminal misdemeanor. Such action shall also constitute a violation of this ordinance.

### **Sec. 92.29. Investigation by animal control officer.**

Upon receipt of a complaint affidavit signed by one or more ~~residents of the city~~ individuals and made under oath before an individual authorized by law to take acknowledgments, setting forth the nature and the date of the act, and, if known, the owner of the animal, the address of the owner, and a description of the animal committing the action, an animal control officer shall investigate the complaint to determine whether there is probable cause to believe a violation of this chapter has occurred. In the event the animal control officer concludes that such probable cause does exist, the investigating animal control officer shall enforce this chapter as provided by law.

### **Secs. 92.30—92.39. Reserved.**

## ***ARTICLE III. LICENSES***

### **Sec. 92.40. License required.**

It shall be unlawful for any owner to keep any domestic pet more than six (6) months old in the city without having first obtained a license therefore from the city.

### **Sec. 92.41. Application; issuance.**

- (a) Annual License. Upon application and payment of a fee as prescribed in Section 92.44 for each domestic pet ~~and presentation of a current certificate of vaccination against rabies by a licensed and practicing veterinarian, except as hereinafter provided,~~ the animal control division shall issue a license to expire upon date of expiration of said rabies vaccination one year from the date of purchase; and at the same time, shall also furnish a ~~metal~~ tag which must be securely fastened to a collar or harness and be worn at all times by the pet for which the license was issued.
- (b) Lifetime License. Upon application and payment of a fee as prescribed in Section 92.44 for each domestic pet ~~and presentation of a current certificate of vaccination against rabies by a licensed and practicing veterinarian, except as hereinafter provided,~~ and proof of the pet being spayed or neutered or animal is barren and cannot reproduce and having been implanted with a Radio Frequency Identification (RFID) tag, the animal control division shall issue a

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lifetime license for that pet. ~~No metal~~ A tag will ~~may~~ be furnished and the RFID tag identification code will become that pet's permanent lifetime license. ~~Animals declared as an "Aggressive Animal" under Sec. 92.02 or a Ddogs~~ declared "Dangerous" under Florida Statute may only obtain an annual license and are not eligible for a lifetime license.

- (c) ~~Exceptions. There shall be no required annual inoculation against rabies for miniature Vietnamese potbellied pigs and other domestic pets for which such vaccination would not be recommended by a licensed veterinarian so long as written certification by a licensed veterinarian is submitted as proof that the animal has, within thirty (30) business days before said application, been inoculated against and/or has tested with negative status for pseudorabies and for brucellosis. Domestic pets that cannot receive rabies vaccinations due to medical reasons are exempt from rabies vaccination requirement provision so long as proof of such is provided in writing to the Animal Control division by a licensed and practicing veterinarian. Upon receipt of such proof and payment of the fee as prescribed in Sec. 92.44, a metal tag will be furnished.~~

### **Sec. 92.42. Transfer.**

The license for a domestic pet may be transferred by the animal control division to a succeeding pet owner for the unexpired term of the existing license upon the payment of a fee as prescribed in section 92.44.

### **Sec. 92.43. Replacement tag.**

Upon proof that a domestic pet license tag has been lost and upon payment of a fee as prescribed in section 92.44, the animal control division shall issue a replacement license tag.

### **Sec. 92.44. Licensing fees.**

- (a) The following fees are prescribed for domestic pet licenses:

| Annual License                                     | Fee             |
|--|-----------------|
| Neutered   | \$5.00          |
| Un-neutered  | 15.00           |
| Replacement tag                                    | 2.00            |
| Transfer fee                                       | 2.00            |
| Miniature Vietnamese potbellied pig                | 15.00           |
| <del>One time only animal registration</del>       | <del>1.00</del> |
| <del>Certified seeing eye dogs</del>               | <del>1.00</del> |
| <del>Certified dogs for the hearing impaired</del> | <del>1.00</del> |



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|                          |      |
|--------------------------|------|
| Neutered and RFID Tagged | 5.00 |
|--------------------------|------|

- (b) Dangerous dog tags; ~~Aggressive Animal tags~~; certificate of registration. The following fees are prescribed for certificates of registration of dangerous dogs as provided pursuant to F.S. § 767.12 and F.S. 767.11 and ~~aggressive animals~~ as provided pursuant to Section 92.02:

- (1) Dangerous dog tag:\$125.00
  - a. Annual Renewal:35.00
- (2) ~~Aggressive Animal tag:75.00~~
  - a. ~~Annual renewal:25.00~~

### **Sec. 92.45. Citation.**

Citations issued pursuant to violations of this chapter shall comply with the requirements found in section 828.27 (1)(f), Florida Statutes.

### **Secs. 92.49 – 92.98. – Reserved.**

### **Sec. 92.99. Penalty.**

~~Citation and penalties for chapter violations.~~

- ~~(1)~~(a) An officer who has probable cause to believe that a person has committed an act in violation of this chapter may issue such person a citation. Any person so cited shall be deemed to be charged with a non-criminal infraction and cited to appear in county court. Such person shall sign and accept a citation indicating a promise to either appear or pay the fine, as applicable.
- ~~(2)~~(b) Any person who willfully refuses to sign and accept a citation issued by an officer shall be ~~a violation of this chapter~~ guilty of a misdemeanor as prescribed in, and may be prosecuted in accordance with, F.S. § 828.27(5).
- ~~(3)~~(c) Any person cited for violation of this chapter may:
  - ~~a.~~(1) Pay the civil penalty within thirty (30) days of the date of receiving the citation; or
  - ~~b.~~(2) Appear in county court to contest the citation.
- ~~(4)~~(d) If such person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation. In such case, judgment

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may be entered against the person for an amount up to the maximum civil penalty.

~~(5)~~(e) Any person violating any provision covered ~~by this subsection (a)~~ shall, upon conviction, be subject to a civil penalty not to exceed five hundred dollars (\$500.00).

~~(6)~~(f) Any person cited for a civil infraction by an officer for a violation of this chapter who elects not to contest the citation shall be subject to the following penalties:

~~a.~~(1) Any violation of this chapter, unless otherwise specified:

1. ~~(a)~~ For a first offense: \$50.00.

2. ~~(b)~~ For a second offense: \$100.00.

3. ~~(c)~~ For a third & subsequent offense(s): \$200.00 and a mandatory court appearance.

~~b. Any owner of a declared Aggressive Animal who violates any provision of Sec. 92.02 or Sec. 92.41 will be imposed a fine of five hundred dollars (\$500.00).~~

~~e.~~(2) Any owner of a dangerous dog ~~declared "Dangerous"~~ who violates any provision of Sec. 92.02 or Sec. 92.41 or F.S. § Chapter 767 will be imposed a fine of five-hundred dollars (\$500.00). In addition, a violation of F.S. Chapter 767, Part II, may be punished with incarceration in the county jail up to sixty (60) days.

~~(7)~~(g) Civil penalties imposed pursuant to this chapter shall be independent of, and in addition to, any impoundment fees arising under section 92.10.

~~(8)~~(h) In addition to any civil penalty imposed pursuant to this chapter there shall be imposed and collected a surcharge of five dollars (\$5.00). The proceeds from such surcharge shall be used to pay the costs of training for animal control officers.

~~(9) Any person charged with a criminal violation of this chapter shall not be cited for a civil infraction, but shall be prosecuted in the county court according to law.~~

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Section 3. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

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APPROVED AS TO FORM:

By: \_\_\_\_\_  
Richard Berrios, City Attorney