

Meeting Date: 11/25/2008

Agenda Item 23

REQUESTED COMMISSION ACTION:

 Consent X Ordinance Resolution Consideration Workshop

SHORT TITLE OR MOTION: Ordinance Amending Chapter 90, "Animals".

Summary of Purpose and Why:

Animals Ordinance is revised to address the following issues:

Section 90.01 Cruelty to Animals. Authorizes Animal Control officer to remove/transport animals to Broward County Shelter when an animal is found in imminent danger or in a cruelty condition. Animal Control must notify owner of the removal.

Section 90.27 Feeding of Feral Cats and Dogs Prohibited. Allows for the feeding of feral cats and dogs with a permit issued by Animal Control when specific, stringent conditions are met.

Adds new section 90.38, Dog Park. Establishes rules for future dog park.

Several sections revised to emphasize spay and neutering program to control animal population.

Reference Section 90.08, Animals Running at Large: Owner of any dog or cat that has not been spayed or neutered will pay an increased penalty of \$250 for first offense and \$500 each offense thereafter. The penalty will be waived if animal is spayed or neutered within 30 days.

Reference Section 90.99, Penalty. Deposits funds collected from the issuance of Animal Control citations into a separate account for the purpose of raising spay/neuter awareness and providing low cost spay/neuter options for City residents.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Rob McCaughan, Public Works Director Ext. 4097
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: 001-0000-354.10-00 Code Enforcement Fines. Estimated \$5K to \$7.5K currently collected annually would be allocated towards spay/neuter program.

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
City Attorney	11/12/2008		Per CA Memo #2009-238
Public Works	11/14/2008	Approved	<i>Robert McCaughan</i>
Finance	11/17/08	Approved	<i>A. [Signature]</i>

 Advisory Board
 Development Services Director
 X City Manager

[Handwritten Signature]

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading	1st Reading	Results:	Results:
2nd Reading			



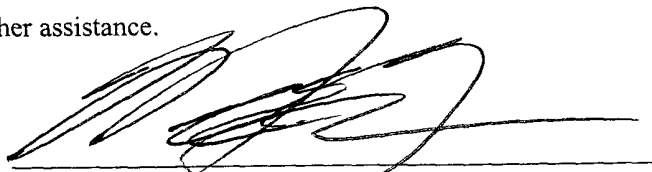
City Attorney's Communication #2009-238
November 12, 2008

TO: Robert A. McCaughan, Public Works Director
FROM: Mark E. Berman, Assistant City Attorney
RE: Ordinance Amending Chapter 90, "Animals"

As requested, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.01, "CRUELTY TO ANIMALS", TO PROVIDE AUTHORIZATION FOR REMOVAL BY ANIMAL CONTROL OFFICERS OF ANIMALS IN DANGER FROM CRUELTY; BY AMENDING SECTION 90.08, "ANIMALS RUNNING AT LARGE," TO PROVIDE PENALTIES FOR DOGS OR CATS FOUND AT LARGE THAT HAVE NOT BEEN SPAYED OR NEUTERED; BY AMENDING SECTION 90.27, "FEEDING OF FERAL CAT(S) AND DOG(S) PROHIBITED," TO PROVIDE FOR AUTHORIZED PERSONS TO FEED FERAL CATS AND SPECIFIC REQUIREMENTS FOR SUCH AUTHORIZATION; BY AMENDING SECTION 90.28, "HOLDS ON ANIMALS," TO PROVIDE FOR NOTICE, COSTS AND FOR APPEAL; BY CREATING SECTION 90.38, "DOG PARK," TO PROVIDE FOR SUCH FACILITIES IN DESIGNATED AREAS AND FOR RULES GOVERNING SAME; AND BY AMENDING SECTION 90.99, "PENALTY," TO PROVIDE THAT FUNDS COLLECTED FROM ANIMAL CONTROL CITATIONS BE UTILIZED TO PROMOTE SPAY/NEUTER AWARENESS AND OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

MEB/ds
l:cor/pw/2009-238
Attachment

ORDINANCE NO. 2009-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.01, "CRUELTY TO ANIMALS", TO PROVIDE AUTHORIZATION FOR REMOVAL BY ANIMAL CONTROL OFFICERS OF ANIMALS IN DANGER FROM CRUELTY; BY AMENDING SECTION 90.08, "ANIMALS RUNNING AT LARGE," TO PROVIDE PENALTIES FOR DOGS OR CATS FOUND AT LARGE THAT HAVE NOT BEEN SPAYED OR NEUTERED; BY AMENDING SECTION 90.27, "FEEDING OF FERAL CAT(S) AND DOG(S) PROHIBITED," TO PROVIDE FOR AUTHORIZED PERSONS TO FEED FERAL CATS AND SPECIFIC REQUIREMENTS FOR SUCH AUTHORIZATION; BY AMENDING SECTION 90.28, "HOLDS ON ANIMALS," TO PROVIDE FOR NOTICE, COSTS AND FOR APPEAL; BY CREATING SECTION 90.38, "DOG PARK," TO PROVIDE FOR SUCH FACILITIES IN DESIGNATED AREAS AND FOR RULES GOVERNING SAME; AND BY AMENDING SECTION 90.99, "PENALTY," TO PROVIDE THAT FUNDS COLLECTED FROM ANIMAL CONTROL CITATIONS BE UTILIZED TO PROMOTE SPAY/NEUTER AWARENESS AND OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That Section 90.01, "Cruelty To Animals," of Chapter 90 "Animals" of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.01 CRUELTY TO ANIMALS.

It shall be deemed a violation of this section for any person to do any of the following:

...

(M) City Animal Control Officers are authorized to remove and transport to a Broward County animal care and regulation facility any animal from a location when such animal is in imminent danger or faces harm from the existence of any of the conditions described in subsections (A) through (L) above, and such animals shall be held subject to the provisions of § 90.28 (A).

SECTION 2: That Section 90.08, "Animals Running At Large," of Chapter 90 "Animals" of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.08 ANIMALS RUNNING AT LARGE.

It shall be deemed a violation of this section for any person to permit any animal to be at large as defined herein.

...

(F) The penalty for an unaltered dog or cat found at large shall be \$250.00 first offense, and \$500.00 for each offense thereafter. For purposes of this section, "unaltered" shall mean any dog or cat that has not been spayed or neutered. This penalty shall be waived if proof the animal has been spayed or neutered is furnished to the Animal Division within 30 days from the citation date.

SECTION 3: That Section 90.27, "Feeding Of Feral Cat(s) And Dog(s) Prohibited," of Chapter 90, "Animals" of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.27 FEEDING OF FERAL CAT(S) AND DOG(S) PROHIBITED.

(A) It shall be deemed a violation of this section for any person to feed or cause to be fed or leave foodstuffs for feral cat(s) or dog(s) without approval of the Animal Control Division.

(B) The Division may issue approval for feeding cats by means of a permit. The permit shall be issued in the name of the permit holder and shall name all persons who will take part in the feeding program. A permit is contingent on the following conditions:

(1) Written authorization from the property owner of the feeding location must be provided prior to issuance of a permit. Feeding may only take place at this location.

(2) Notice signed by all adjoining private property owners acknowledging they are aware of the intended activity and have no objections, must be provided prior to issuance of a permit.

(3) The permit holder shall be responsible for any damage caused by the animals which are caused to be fed.

(4) The area must serve to contain the cats to the property for which the permit has been issued. Any cats roaming off the property shall be cause for violation of Section 90.08, "Animals Running At Large". The colony must meet the containment requirement within 30 days of issuance of the permit. For purposes of this section, "Containment" is defined as an approved fence or similar structure that prevents animals from going under, over, or through the enclosure, and which is designed to maintain the animals on the permitted property.

(5) Within the first year, all cats must be sterilized, micro-chipped, ear tipped, vaccinated with all applicable vaccines and a three (3) year rabies vaccination. No unhealthy cats may be allowed to remain in the colony.

(6) The permit holder must submit an annual report to the City's Animal Control Division listing the cats in the colony and show proof of the current vaccinations.

(7) The number of cats in the colony must be shown to be in decline. An increase in the number of cats may result in Division intervention to reduce numbers or revocation of permit.

(C) The permit-holder shall be fined for failure to comply with the conditions set forth in Section (B). First offense, \$250.00 penalty, second offense \$500.00 penalty, A third offense shall result in the revocation of the permit.

SECTION 4: That Section 90.28, “Holds On Animals,” of Chapter 90, “Animals” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.28 HOLDS ON ANIMALS.

...

(C) For animals removed under this section, written notice to the owner of the animal removed, if known, shall be provided to the owner, or left in a visible location if the owner is not present. The animal’s owner shall be responsible for any costs of transportation, boarding, and care of the animal. Any animal owner who wishes to contest that the need existed to remove the animal or animals by City Animal Control officers may do so by submitting a written petition to the Public Works Director within five (5) days after the animal is removed. After review of the petition and of any reports from the Animal Control Officers involved, the Public Works Director shall issue a written determination either supporting or overruling the decision of the Animal Control Officers to remove the animal or animals.

SECTION 5: That Section 90.38, “Dog Park,” of Chapter 90, “Animals” of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 90.38 DOG PARK.

(A) The City may establish areas specifically designated “Dog Parks” for dogs to run off leash. The following rules shall apply in such areas:

Dog Park Rules:

(1) (a) At all times the dog is outside the designated fenced off leash area, dog must be under physical control of a responsible adult by means of a leash. Dogs off leash outside of the fenced area will be considered at large and shall be subject to a violation of § 90.08. Leash shall be removed inside the fenced staging area. One leash for each dog must be in hand of the adult owner/handler. Leashes may not be attached to a dog inside the fenced dog park unless separating dogs during an altercation.

(b) Dogs may run at large in the designated fenced areas in accordance with the rules in this section.

(2) If a dog, person, or activity is annoying or provoking other dogs or people, the responsible adult owner/handler must remove the dog from the park. Failure to do so shall be punishable by fine or prohibited return to the park. First offense, \$100.00 penalty, second offense \$250.00, penalty, third

offense, prohibited from use of park with same dog. Any person or dog exhibiting aggressive behavior will be prohibited from using the park.

(3) Adult owners/handlers must immediately remove their dog's defecation and place in the appropriate trash receptacle.

(4) Dogs are the only animals permitted in the fenced areas. Only dogs under 25 pounds are permitted in the small dog area.

(5) Adult owners/handlers must remain in the fenced area with their dog(s) and must maintain a constant attention to their dog's behavior. Cell phone use is prohibited while in the park. Dogs must be closely supervised and within immediate sight and voice control of their handler at all times.

(6) A maximum of three dogs per responsible adult owner/handlers is allowed. When circumstances dictate, the animal control officer may limit the number of dogs for that day or permanently for a particular patron.

(7) Children must be accompanied and monitored closely by a responsible adult. No infants, toddlers, or strollers are allowed in the dog park. No smoking, skates, skateboard, bicycles are permitted.

(8) Dogs wearing a spiked, choke, and/or pronged collar are prohibited. Dog leashes of a maximum length of 6 feet are required and no retractable leashes are allowed.

(9) All dogs must have both a current rabies tag and personalized ID tag affixed to the collar and should be healthy and free from contagious disease and parasites. Dogs with a skin condition will require veterinarian certification that the dog is not contagious. Animal control officers maintain the right to exclude any dog from the park that appears to have a health condition which would compromise the health of other dogs in the park.

(10) Puppies under four (4) months of age are not permitted in the park for their health and safety.

(11) Small bite sized training treats are permitted. No toys, glass receptacle, food or alcohol is permitted at any time.

(12) Dogs in heat are prohibited.

(13) Adult owners/handlers must prevent dogs from digging or causing other damage. Owners are required to fill holes and/or repair damage caused by their dog.

(14) All dog bites and injuries must be reported to the Animal Control Division or BSO before leaving the park.

(15) Dog Park is closed sunset to sunrise.

(16) Animal Control and the Broward Sheriff's Office reserve the right to set a time limit and a maximum capacity for use of the park. At peak times, use of the park is limited to ½ hour for each visitor.

Violations of any of the above-listed rules shall result in a violation with penalties conforming with § 90.99 "Penalty", unless otherwise noted in any section.

SECTION 6: That Section 90.99, "Penalty," of Chapter 90, "Animals" of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.99 PENALTY.

...

(D) Funds collected from the issuance of Animal Control citations pertaining to violations of Chapter 90 of the City of Pompano Beach Code of Ordinances shall be deposited into a separate account for the purpose of raising spay/neuter awareness and providing low cost spay/neuter options for City residents.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2008.

PASSED SECOND READING this _____ day of _____, 2008.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

MEB/ds

11/10/08

L:ord/ch90/2009-24