

**ORDINANCE NO. 15-12**

**AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS" OF THE CODES OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY, FLORIDA, BY AMENDING SECTION 6-19 (DEFINITIONS) TO ADD CERTAIN DEFINITIONS; AMENDING SECTION 6-23 (DANGEROUS DOGS) TO INCORPORATE STATUTORY AMENDMENTS; AMENDING SECTION 6-26 (ANIMAL CARE) TO ESTABLISH REQUIREMENTS REGARDING TETHERING, TRANSPORTATION OF ANIMALS AND ANIMALS LEFT UNATTENDED IN VEHICLES; CREATING SECTION 6-33 (AGGRESSIVE ANIMALS); CREATING SECTION 6-34 (GUARD DOGS) ESTABLISHING REQUIREMENTS FOR GUARD DOG PERMITS AND CONDITIONS FOR USE AND CARE OF GUARD DOGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish programs providing for the health, safety and general welfare of the residents of St. Lucie County; and,

**WHEREAS**, Chapter 6 (Animals) of the St. Lucie County Code of Ordinances and Compiled Law (the "Animal Control Ordinance") provides for the regulation and control of animals in the unincorporated areas of St. Lucie County; and

**WHEREAS**, Section 6-26 (Animal Care) establishes general standards for the care and treatment of animals; and,

**WHEREAS**, in recognition of the important role animal shelters provide in caring for unwanted and neglected animals which have been surrendered by their owners, seized by animal control agencies or found as strays in the community, the Board of County adopted Resolution No. 12-058 on June 12, 2012 to create the Animal Shelter Standards Committee; and,

**WHEREAS**, pursuant to further direction of the Board, the Animal Shelter Standards Committee has reviewed Chapter 6 (Animals) and recommended to the Board of County Commissioners certain amendments to incorporate statutory changes regarding dangerous dogs, amending manner of keeping requirements, establishing standards for registering aggressive animals, and establishing registration and care for guard dogs.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**PART A. CHAPTER 6 "ANIMAL AND FOWL" IS HEREBY AMENDED BY AMENDING SECTION 6-19 (DEFINITIONS) TO ADD THE FOLLOWING DEFINITIONS:**

**Sec. 6-19. Definitions.**

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Aggressive animal means any animal that according to the County records or the records of any other governmental agency has:

- a. When unprovoked, 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, and is determined by a neutral dog trainer or licensed veterinary behaviorist to be aggressive to other domestic animals or people;
- c. When unprovoked, been involved in an attack that does not result severe injury or death of a person; or
- d. In the opinion of an Animal Control Officer or law enforcement officer, posed a threat to the safety and welfare of the community.

Animal rescue organization means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals, that is duly registered with the Florida Department of State and the Florida Department of Agricultural and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction with which the organization is headquartered.

Dangerous dog means any dog that according to the County records or the records of any other local government:

- a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury of a human being on public or private property;
- b. Has more than once severely injured or killed a domestic animal while off the owner's property; or,
- c. 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 Division.

Extreme weather for the purposes of this chapter shall include but not be limited to the following conditions:

- a. Hurricane;

- b. Tropical Storm;
- c. Above eighty-five (85) degrees Fahrenheit with a heat index of one hundred (100) degrees heat index; or,
- d. Below forty (40) degrees Fahrenheit with a thirty-five (35) degrees 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.

Guard Dog means any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

Guard dog service means any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in the unincorporated areas of St. Lucie County.

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

Tethering means a rope, chain, or similar restraint for holding an animal in place, allowing a short radius in which it can move.

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.

**PART B. CHAPTER 6 "ANIMALS" IS HEREBY AMENDED BY AMENDING SECTION 6-23 (DANGEROUS DOGS) AS FOLLOWS:**

**Sec. 6-23. Dangerous dogs.**

- (a) ~~Adoption of F.S. Sections 767.10 through 767.14.~~ The provisions of F.S. Sections 767.10 through 767.14, and all subsequent amendments regulating dangerous dogs, as defined in F.S. Section 767.11(1), are adopted by reference and incorporated herein and shall apply to the unincorporated areas of the county.
- (b) ~~Fee.~~ The annual fee for issuance of dangerous dog certificates of registration shall be established by resolution of the board of county commissioners.
- (c) *Classification.*
  - (1) The public safety director shall investigate reported incidents involving any dog that may be dangerous, as defined in F.S. § 767.11(1), and shall, if possible, interview the owner and require a sworn affidavit from any person, including any animal control officer or

enforcement officer, desiring to have a dog classified as dangerous. Any dog that is the subject of a dangerous dog investigation that is not impounded by the county shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the public safety director. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or its ownership changed.

(2) The public safety director shall classify any dog as a dangerous dog in the event he determines that the dog:

- a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on human being on public or private property;
- b. Has more than once severely injured or killed a domestic animal while off the owner's property; or,
- c. ~~Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or,~~
- 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 such actions are attested to in a sworn statement by one (1) or more persons and investigated by the public safety director.

(3) A dog shall not be declared dangerous if either of the following has occurred:

- a. The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member; or,
- b. ~~No dog may be declared dangerous if~~ The dog was protecting or defending a ~~human being~~ person within the immediate vicinity of the dog from an unjustified attack or assault.

(4) The following procedures shall be followed in the investigation of a dangerous dog complaint:

- a. If possible, the owner of the animal being investigated shall be interviewed. Any person and/or witness desiring to have a dog classified as dangerous shall submit an affidavit to the Division.
- b. A dog that is the subject of a dangerous dog investigation that is not impounded by the Division 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 the Division pending the outcome of the investigation and resolution of any hearings related to the dangerous dog designation.

- c. The address of where the dog resides shall immediately be provided to the Division.
  - d. No dog that is the subject of a 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 a dangerous dog declaration.
- (5) After the investigation, the public safety director shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. The public safety director shall provide written notification of the sufficient cause finding to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.
- (6) The owner may file a written request for a hearing within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of the request from the owner.

(d) Administrative hearing process for dangerous dog appeal.

(1) Upon receipt of an owner's timely request for an administration hearing, a hearing shall be scheduled within twenty-one (21) calendar days, but no sooner than five (5) calendar days after receipt of the request from the owner.

(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 owner to be represented by an attorney; and,
- c. Right of the owner 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 Division at least five (5) calendar days prior to the date set for the hearing.

(4) All hearings shall be open to the public. Assuming proper notice is achieved, a hearing may proceed in the absence of the owner.

(5) 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 hearing shall not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the public safety director finds it to be competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

(7) 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 witnesses regardless of which party first called the witness to testify; and to rebut the evidence against him/her.

(8) The public safety director or designee shall make findings of fact based on the evidence of record. In order to uphold the dangerous dog determination, the public safety director must find that a preponderance of the evidence supports the determination.

- a. The public safety director shall have the power to adopt procedures for the conduct of hearings, take testimony under oath, review evidence and assess and order the payment of administrative costs.
- b. The fact finding determination of the public safety director shall be limited to whether one or more of the criteria listed in Subsection 6-23(a)(1) were met. Based upon this fact finding determination, the public safety director shall either affirm or reverse the sufficient cause findings of the Division.
- c. If the decision of the public safety director is to affirm the Division's decision, then the owner shall be responsible to pay the administrative costs of the hearing. The owner shall also 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.

(e) The owner may appeal the public safety director's findings by filing a written request for a hearing in the county court for St. Lucie County, Florida, within ten (10) business days after the receipt of the written notification of the dangerous animal classification.

~~(df) *Classification of dog as dangerous—Appeal.*~~ If a dog is classified as a dangerous dog pursuant to this section, the public safety director shall provide written notification to the owner by registered mail, certified hand delivery or service, and the owner may file a written request for a hearing in county court in St. Lucie County to appeal the classification within ten (10) business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.

~~(eg) *Registration of dog classified as dangerous.*~~ Within fourteen (14) days after a dog has been classified as dangerous by the public safety director or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the public safety director, and the certificate shall be renewed annually. The public safety director shall issue such certificates and renewals only to persons who are at least eighteen (18) years of age and who present sufficient evidence of the following:

- (1) A current certificate of rabies vaccination for the dog.
- (2) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
- (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.

- (4) Proof of payment of the appropriate fee as established by resolution of the board of county commissioners.
- (fh) ~~Required notification for dogs classified as dangerous.~~ The owner of a dog classified as dangerous pursuant to this section shall immediately notify the public safety director in the event the dog:
  - (1) Is loose or otherwise unconfined.
  - (2) Has bitten a human being or attacked another animal.
  - (3) Is sold, given away, or dies.
  - (4) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the public safety director. The new owner must comply with all of the requirements of this ordinance.

- (gi) ~~Confiscation and destruction of a dog previously classified as dangerous—Appeal.~~ If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner is guilty of a misdemeanor of the first degree, punishable as provided in F.S. Sections 775.082 or 775.083. In addition, the county shall immediately confiscate the dangerous dog and place it in quarantine, if necessary, for the proper length of time, or impound and hold it for ten (10) business days after the owner is given written notification under Section 6-23(d), and thereafter destroy the dog in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing under Section 6-23(d). 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 procedure.
- (hj) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by the county, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification under Section 6-23(d) and thereafter destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing under Section 6-23(d). 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 procedure. In addition, if the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Sections 775.082 or 775.083.
- (ik) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in F.S. Sections 775.082, 775.083 or 775.084, pursuant to F.S. Section 767.13(3). In addition, the dog shall be immediately confiscated by the county, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification under Section 6-23 (d), and thereafter

destroyed in an expeditious and humane manner. This ten-day period shall allow the owner to request a hearing under Section 6-23(d). The owner shall be responsible for repayment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(j) If the owner files a written appeal under Section 6-23(d), the dog must be held and may not be destroyed while the appeal is pending.

(k) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

(m) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or person eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

(n) Hunting dogs are exempt from the provision of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials and herding trials are exempt from the provisions of this section when engaged in any legal procedures. However, such dogs at all other times in all other respects shall be subject to this section. Dogs that have been classified as dangerous shall not be used for hunting purposes.

(o) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(p) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.00.

**PART C. CHAPTER 6 "ANIMALS" IS HEREBY AMENDED BY AMENDING SECTION 6-26 (ANIMAL CARE) AS FOLLOWS:**

Sec. 6-26. Animal care.

(a) It shall be a violation of this article for any person to impound or confine any animal in any place without sufficient fresh food and water at all times daily, including weekends and holidays; to keep any animal in any enclosure without providing sufficient daily exercise; to fail to provide shelter from the weather, and clean quarters as further provided herein; ~~and~~



medical attention for sickly, diseased, or injured animals; or to fail to inoculate the animal against rabies as required by this article. However this section shall not require the provision of shelter from the weather and clean quarters for livestock in open pasture. Dogs, cats, and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic or other materials. Dogs, cats and small domestic animals may be kept outside in a fenced enclosure if the enclosure contains a shelter which meets the following requirements:

1. Provides adequate protection from the cold and heat.
2. Provides protection from the direct effect of the sun, wind and rain;
3. Provides a solid roof and a wind and rain break;
4. Contains clean and dry bedding material;
5. Elevated a minimum of six inches (6") from the ground;
6. Provides sufficient space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down, and turn around simultaneously; and,
7. Provides ingress and egress for the animal to enter and exit the shelter at all times.

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(j) No animal shall be tethered unless all of the following provisions are met:

1. Animals younger than six (6) months old, older than seven (7) years, or ill shall not be tethered.
3. The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten (10) feet long or four (4) times the length of the animal (measured from tip of nose to base of tail), whichever is greater.
4. 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.
5. Prong, choke or chain collars are prohibited in the use of tethering animal.
6. Area which the animal may reach while tethered shall be free of entanglements.
7. The length and location of the tether must not allow the animal to reach a fence or neighboring property.

8. Collar weight shall be appropriate for the animal as determined by a reasonable person:
9. The animal must be in view of the person responsible for the animal at all times while tethered.
10. A trolley system is permitted.
11. An animal may not be tethered in extreme weather, including but not limited to hurricanes, tropical storms or tornados.
12. The animal shall have access to a dry and raised area at all times.

(k) Any dog left unattended in an outdoor enclosure shall be provided a minimum of open space, excluding the shelter(s) within the enclosure, based upon the dog's size as set forth below:

1. Twenty (20) pounds or less (Small) – Thirty-two (32) square feet.
2. Twenty-one (21) to fifty (50) pounds (Medium) – Sixty (60) square feet.
3. Over fifty (50) pounds (Large) – Eighty (80) square feet.

An additional sixteen (16) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area as set forth above in Subsection 6-26(a). Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs on residentially zoned property shall not be maintained outdoors during periods of extreme weather. This subsection shall not apply to dogs on property zoned AG-1, AG-2.5 or AG-5.

(l) The transportation of animals in vehicles shall be subject to the following requirements:

1. No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle.
2. If a person's only means to transport an animal is in an unenclosed or partially enclosed vehicle, including but not limited to convertibles, pick-up trucks, and flatbed trucks, the person shall confine the animal in a container, cage, or with a harness with double tethering that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle. With the exception of trailers used to transport hooved livestock, the flooring of the vehicle shall be covered in a type of material that prevents the animal's feet from burning.
3. If a container or cage is used, it must be securely fastened so as to prevent the container or cage from moving in the motor vehicle.
4. The animal must be provided fresh water and food as deemed appropriate by a responsible person.

5. No person shall carry or cause to be carried in or upon any vehicle or otherwise, any domestic animal having its feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation.
6. The following shall be exempt from the provisions of this subsection:
  - a. Transporting livestock animals on property zoned AG-1, AG-2.5, AG-5, or AR-1 with agricultural classification pursuant to Section 193.461, Florida Statutes, or PUD where livestock is permitted.
  - b. Transporting livestock on property on which livestock is permitted as a nonconforming use

(m) A person driving or in charge of a motor vehicle shall not permit an animal to remain unattended in a vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the animal.

(n) Pursuant to Section 828.073, Florida Statutes, an Animal Control Officer may take custody of an animal found neglected or cruelly treated by removing the animal from its present location, or order the owner of the animal to provide certain care to the animal at the owner's expense without removal of the animal from its present location. In the event an Animal Control Officer takes an animal into custody or issues a care order to the animal owner pursuant to this section, the County shall file a petition seeking relief under Section 828.073, Florida Statutes, in the county court in and for St. Lucie County within ten (10) days after the animal is seized or the order to provide care is issued.

**PART D. CHAPTER 6 "ANIMALS" IS HEREBY AMENDED BY CREATING SECTION 6-33 (AGGRESSIVE DOGS) AS FOLLOWS:**

**Sec. 6-33. Aggressive animals.**

- (a) The Division shall investigate complaints involving animals that may be aggressive. The public safety director 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 the Division, an animal shall be designated as aggressive if an animal, when unprovoked, 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 and has been determined by a neutral dog trainer or veterinary behaviorist to be aggressive to other domestic animals or people due to forced fighting.

- c. Been involved in an attack that does not result in severe injury or death of a person; 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 shall not be declared aggressive if the threat, injury or damage to a person or animal was:

- (1) Unlawfully on the property; or
- (2) Tormenting, abusing or assaulting the animal, its owner, a family member or guest; or
- (1) The animal was protecting or defending a person within immediate vicinity of the animal from an unjustified attack or assault.

(c) The following procedures shall be followed in the investigation of an aggressive animal complaint:

- (1) If possible, the owner of the animal being investigated shall be interviewed. Any person and/or witness desiring to have an animal classified aggressive shall submit an affidavit to the Division.
- (2) An animal that is the subject of an aggressive animal investigation 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 the Division pending the outcome of the investigation and resolution of any hearings related to the aggressive animal designation.
- (3) The address of where the animal resides shall immediately be provided to the Division.
- (4) No animal that is the subject of an aggressive animal 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 declaration.

(d) After the investigation, the public safety director shall make an initial determination as to whether there is sufficient cause to classify the animal as aggressive and shall afford the owner an opportunity for a hearing prior to making a final determination. The public safety director shall provide written notification of the sufficient cause finding to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. The owner may file a written request for an administrative hearing by the public safety director to appeal the classification within fifteen (15) calendar days after receipt of the sufficient cause findings. The written request for a hearing shall be mailed to the address provided by the Division 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 administration hearing, a hearing shall be scheduled within twenty-one (21) calendar days, but no sooner than five (5) calendar days from the date the Division receives the appeal request.

(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 owner to be represented by an attorney; and,
- c. Right of the owner 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 Division at least five (5) calendar days prior to the date set for the hearing.

(4) All hearings shall be open to the public. Assuming proper notice is achieved, a hearing may proceed in the absence of the owner.

(5) 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 hearing shall not be conducted in accordance with the formal rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the public safety director finds it to be competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

(7) 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 witnesses regardless of which party first called the witness to testify; and to rebut the evidence against him/her.

(8) The public safety director shall make findings of fact based on the evidence of record. In order to uphold the aggressive animal determination, the public safety director must find that a preponderance of the evidence supports the determination.

- a. The public safety director shall have the power to adopt procedures for the conduct of hearings, take testimony under oath, review evidence and assess and order the payment of administrative costs.
- b. The fact finding determination of the public safety director shall be limited to whether one or more of the criteria listed in Subsection 6-23(a)(1) were met. Based upon this fact finding determination, the public safety director shall either affirm or reverse the sufficient cause findings of the Division.
- c. If the decision of the public safety director is to affirm the Division's decision, then the owner shall be responsible to pay the administrative costs of the hearing. The owner shall also be responsible for payment of any boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedures.

(9) The owner may appeal the public safety director's findings by filing a written request for a hearing in the county court for St. Lucie County, Florida, within ten (10) business days after the receipt of the written notification of the aggressive animal classification.

(f) Aggressive animal requirements.

(1) Within fourteen (14) calendar days after an animal has been declared aggressive or an aggressive animal classification has been upheld by the county court on appeal, the owner of the animal must obtain an aggressive animal license from the Division.

(2) The owner must renew the aggressive animal license tag annually.

(3) Aggressive animal license tags shall only be issued to competent persons over the age of eighteen (18) and who present to the Division sufficient evidence of compliance with all of the following:

- a. A current certificate of rabies vaccination for the animal.
- b. The animal shall be safely and securely confined on the owner's property in an enclosure suitable for a dangerous dog.
- c. Clearly visible warning signs at all entry points to the property which inform both children and adults of the presence of an aggressive animal on the property. Such signage must be approved by the Division.
- d. Permanent identification of the animal, such as a tattoo on the inner thigh or electronic implantation.
- e. The animal has been sterilized; and,
- f. Compliance with additional reasonable restrictions as determined on a case by case basis by the Division.

(4) Prior to issuance of the aggressive animal license tag and any renewal thereof, the owner shall pay the related fee established by resolution of the Board of County Commissioners.

(5) The owner shall immediately notify the Division when an animal that has been classified as dangerous:

- a. Is loose or unconfined;
- b. Has bitten a person or attacked another animal;
- c. Is sold, given away, or dies; or
- d. Is moved to another address.

(6) Prior to an aggressive animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Division. The new owner shall comply with all of the requirements of this chapter.

(7) If an aggressive animal is moved outside of the County and is later relocated back within the unincorporated areas of the County, the owner must notify the Division that the animal is within the County within forty-eight (48) hours of the animal being relocated

(8) It shall be unlawful for the owner of an aggressive animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a leash and under the control of a competent person over the age of eighteen (18) years of age. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but will prevent it from biting any person or animal.

(9) When being transported, an aggressive animal shall be safely and securely restrained within a vehicle.

(10) The owner of an aggressive animal may exercise the animal in a securely fenced or enclosed area without a muzzle or leash, if the animal remains in the owner's 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 is present.

(11) Hunting dogs are exempt from the provisions of this section 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 this section. Such dogs shall be subject to the provisions of this section at all other times.

(12) This section shall not apply to dogs used by law enforcement officials for law enforcement purposes.

(13) If a dog that has been previously classified 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 the Division, the animal shall be confiscated by the Division, 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 declared a dangerous dog.

(14) Upon confiscation of the animal, the Division shall provide the owner of record, a written civil violation notice listing the fine, confiscation, quarantine, impoundment and intent of the Division to have the animal declared dangerous within the time prescribed.

(15) The owner may contest the confiscation during the ten (10) day period in accordance with the procedures set forth in Sections 6-23(d) and (e).

**PART E. CHAPTER 6 "ANIMALS" IS HEREBY AMENDED BY CREATING SECTION 6-34 (GUARD DOGS) AS FOLLOWS:**

**Sec. 6-34. Guard dogs.**

(a) Guard dog permit.

(1) Any person seeking to operate a guard dog service or who owns a dog that such person is seeking to use for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment in the unincorporated areas of the county shall obtain a guard dog permit.

(2) A guard dog permit shall be valid for a period of twelve (12) months from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to the date of expiration.

(3) A guard dog permit is not transferable, assignable or refundable.

(4) The Board of County Commissioners shall establish the fee schedule for guard dog permits by resolution.

(b) Obtaining guard dog permit.

(1) A person seeking to obtain a guard dog permit shall apply to the Animal Control Division using a form approved by the Division.

(2) The guard dog permit application shall include but is not limited to the following information:

- a. The name, address and telephone number of the applicant and a description of the location(s), including address, at which guard dogs will be maintained.
- b. A statement as to whether the applicant or any officer or employee of the applicant has ever been convicted of an offense involving neglect or cruelty to animals or has had a final judgment entered against that person under Section 828.063, F.S., or any other statute prohibiting animal cruelty, neglect or mistreatment.
- c. The breed, sex, age, color, registration tag number and electronic animal identification number (EAID), if applicable, of each dog that will be used as a guard dog.
- d. The name and address of the applicant's veterinarian(s).
- e. The name, address and telephone number(s) of the person(s) responsible for training and/or providing food, water, exercise and care to each guard dog; and,
- f. Proof of business tax receipt from St. Lucie County Tax Collector, if applicable.

(3) The permit applicant shall complete the application, supply all information requested by the Division, and pay the applicable permit fee established by the Board of County Commissioners. No application shall be deemed complete and reviewable until the permit fee is paid.

(4) Permit applications shall be valid for thirty (30) days in order for applicants to make correction to meet minimum compliance specifications.

(c) Permit denial, revocation, and suspension.

(1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined by the Division that:

- a. There has been a material misstatement or misrepresentation in the permit application or in any information or documents required to be maintained by the applicant/permit holder or provided to the Division.



- b. The applicant/permit holder has been cited for at least two (2) violations of this chapter within a one-year period, each resulting in the imposition of a fine.
- c. The applicant/permit holder has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within thirty (30) days of issuance of the citation.
- d. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of veterinary care that, if not treated, would result in suffering, pain or death of the animal, and care is not provided within a reasonable period of time.

(2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided in the fee resolution.

(d) Appeal process.

(1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal the adverse action to a hearing officer by filing a written notice of appeal with the Division within ten (10) days after issuance of the notice of adverse action.

(2) The appeal will be heard by a hearing officer within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by the Division, the hearing officer, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

(3) Unless otherwise provided herein, the hearing before the hearing officer shall be governed as provided in this Chapter.

(4) The denial, revocation, or suspension of the permit shall be upheld or reversed by the hearing officer.

(e) Requirements following notice of adverse action and/or appeal process.

(1) If the notice of denial, revocation, or suspension of a guard dog permit is not appealed within ten (10) days after the notice of the written decision of the hearing officer is issued, the applicant or permit holder shall immediately cease and desist operation of a guard dog service or use of a guard dog for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in the unincorporated areas of the County.

(2) Any person whose guard dog permit has been revoked may not reapply for a guard dog permit for a period of one (1) year.

(3) Each reapplication for a permit shall be accompanied by a fee to be established by the Board of County Commissioners by resolution.

(4) Any person who has been adjudicated guilty of animal cruelty within the past five (5) years may not hold a permit to operate a guard dog service or possess a guard dog in the unincorporated areas of the County.

(f) Registration of guard dogs.

(1) Guard dog services and guard dog owners shall annually register each guard dog owned or used in the unincorporated areas of the County with the Division. The registration shall include the following for each dog:

- a. Name, address and telephone number of the owner and/or manager of the guard dog service.
- b. The breed, sex, weight, age and color(s) of the guard dog.
- c. A color photograph of the guard dog.
- d. Other distinguishing physical features of the guard dog.
- e. Certification of rabies vaccination.
- f. The guard dog's registration tag number.
- g. The guard dog's electronic animal identification device number (EAISD).
- h. Proof of ownership (i.e. bill of sale, receipt or notarized affidavit) including the name and address of the person from whom the dog was obtained.
- i. If the permit holder is not the original owner of the dog, a notarized affidavit signed by the previous owner acknowledging that the dog will be used as a guard dog. This requirement may be waived if the dog has been previously registered to the guard dog owner for more than one (1) year in the county.
- j. A current certification from a veterinarian who is licensed in Florida stating that the guard dog has been examined and is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division and shall provide it to the

examining veterinarian for completion, and, upon completion, shall provide it to the Division.

(2) A guard dog license tag shall be an annual requirement. The guard dog license tag is only available through the Division. The guard dog shall be worn at all times or shall be fastened to each guard dog's enclosure when the guard dog is inside it.

(3) No dog shall be used as a guard dog unless and until the dog has been registered with the Division.

(4) No dog shall be registered or used as a guard dog if a veterinarian deems that the dog is physically unfit to perform service as a guard dog.

(5) If any dog is used as a guard dog prior to being registered, a double registration fee shall be imposed to register the guard dog.

(6) The Division shall maintain a guard dog registration system which shall contain all data required by the Division. Immediately upon transfer of ownership, death or disappearance of a guard dog, the guard dog service or guard dog owner shall notify the Division. Upon receipt of such notice, the appropriate entry shall be made in the guard dog registration system. If the dog has disappeared, an entry shall be made to reflect the location of such disappearance.

(g) Inspection and records.

(1) It shall be a condition of the issuance of any guard dog permit and guard dog registration that officers of the Division shall at any reasonable time, unannounced, have the right to enter the premises and inspect:

a. All dogs and all premises where such dogs are trained, in use, or kept.

b. All records for each guard dog including, but not limited to, vaccination, veterinary and medical treatment records.

c. All records concerning the training, sale, or use of a guard dog.

(2) Refusal to allow inspection of a guard dog, premises, or records shall be a violation of this chapter.

(3) Guard dog services shall require any customer that procures the use of a guard dog to sign an agreement authorizing officers of the Division to perform unannounced inspections of any guard dog and premises where the guard dog is being used as a guard dog.

(4) Guard dog services shall maintain records identifying the name, address, and telephone number of each customer procuring the use of a guard dog and the physical location of each guard dog (with registration number), if different than the customer's address.

(5) On a monthly basis, guard dog services shall provide the Division with complete records identifying the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (with guard dog license tag number).

(6) Guard dog services and guard dog owners shall immediately notify the Division in writing when a guard dog is temporarily or permanently removed from service due to sickness, injury, a medical condition, or death.

(7) Guard dog services and guard dog owners shall maintain records of the acquisition, transfer of ownership, death, or disappearance of a guard dog.

(8) The records required to be maintained herein shall be maintained for a period of at least two (2) years from the date of creation and shall be provided to the Division upon request unless otherwise provided herein.

(h) Use of guard dogs.

(1) Any entity which hires or uses a guard dog shall provide adequate fencing or some other confining structure to keep the guard dog within the guarded area. The business owner or person responsible for managing each entity that hires or uses a guard dog is responsible for each guard dog hired or used. The guard dog shall wear a current guard dog registration tag with proof of rabies inoculation available for inspection by the Division and shall be implanted with an electronic animal identification device as required by this section.

(2) Each entity which hires or uses a guard dog that is on the premises during its operating hours shall have the dog confined or restrained in such a manner so as not to have access to those areas open to the public or to otherwise pose a danger to the public.

(3) The entity owner or person responsible for managing an entity which hires or uses a guard dog shall be responsible for having at each appropriate location and entry point, and at fifty-foot intervals along the fence perimeter, if applicable, a sign posted including the words "Guard Dog" or "Dangerous Dog" in black six (6) inch high letters on a white background.

(4) Entry points shall have a sign posted with the telephone number of the dog's trainer or handler and owner in case of an emergency.

(5) Guard dogs shall be given a humane existence, and shall at all times be maintained in accordance with the requirements of Section 6-26. Any person who uses the

service of a guard dog shall be responsible to assure that the guard dog is provided a humane existence in accordance with Section 6-26, and shall immediately contact the Division to report any guard dog that is sick, diseased, lame, or injured. Guard dogs that are confined in a cage shall have at least one-half (½) hour of exercise within each eight (8) hours of confinement. It shall be unlawful for any person, owner, or manager keeping a guard dog to fail to provide clean, sanitary, safe, and humane conditions; sufficient quantities of wholesome food daily; adequate quantities of visible, clean, and fresh water available at all times; proper air ventilation and circulation; if located outside, full protection and shelter from the elements; and medical attention and necessary veterinary care when it is sick, diseased, or injured.

(6) No dog which has been classified as dangerous pursuant to this chapter shall be used as a guard dog.

(7) No dog shall be used as a guard dog while it is pregnant or lactating.

(8) The Division shall impound any guard dog owned by a person that is cited and found to be in violation of Section 6-26 herein. The guard dog may be redeemed upon submittal of evidence satisfactory to the Division that the cause of the violation has been remedied and any fines have been paid. The guard dog shall only be released after a satisfactory review of the living conditions of the guard dog by an animal care officer.

(9) Each person or entity that rents or uses a guard dog to patrol the premises after that business's operating hours shall provide adequate fencing, or some other confining structure, to keep the guard dog within the premises.

(10) Any dog registered or used as a guard dog shall receive a minimum of one wellness examination every six (6) months conducted by a veterinarian licensed to practice veterinary medicine in the State of Florida. No dog shall be registered or used as a guard dog if a veterinarian deems that the dog is physically unfit to perform service as a guard dog.

(11) Newly acquired dogs shall be immediately vaccinated against rabies, tagged, and registered with the Division as a guard dog before being used as a guard dog.

(12) Each guard dog shall be implanted with an EAID used and approved by the Division.

(i) Transportation of guard dogs.

(1) The vehicle of every guard dog service or owner transporting any guard dog must be clearly marked, showing that it is transporting a registered guard dog. A compartment separate from the driver is required which shall be arranged to ensure adequate ventilation for the dog.

(2) No guard dog shall be transported in the trunk of a car or in an unenclosed portion of a vehicle, including, but not limited to convertibles, pickup trucks, open-bed trucks, or flat-bed trucks. However, a guard dog may be transported in an unenclosed portion of a vehicle if the animal is securely confined within a cage. The cage must be securely anchored to the vehicle in order to prevent movement about the vehicle. The flooring of the cage shall be covered in a type of material that prevents the dog's feet from burning

**PART F. SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the District that the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**PART G. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, the Capitol, Tallahassee, Florida 32304.

**PART H. EFFECTIVE DATE.**

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

**PART I. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Chair Paula A. Lewis	AYE
Vice Chair Kim Johnson	AYE
Commissioner Chris Dzadoovsky	AYE
Commissioner Tod Mowery	AYE
Commissioner Frannie Hutchinson	AYE

**PART J. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts F through J shall not be codified.

**PASSED AND DULY ADOPTED** this 15th day of September, 2015.

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
**Deputy Clerk**

**BY:** \_\_\_\_\_  
**Chair**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY:** \_\_\_\_\_  
**County Attorney**