

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA AMENDING CHAPTER 9, ANIMALS; BY AMENDING ARTICLE 1, SECTION 9.3. ESTABLISHING PENALTIES FOR ANIMAL CONTROL VIOLATIONS; AMENDING ARTICLE 4, SECTION 9.92. ESTABLISHING REQUIREMENTS FOR TETHERING, ANIMALS UNATTENDED IN VEHICLES, AND KEEPING ANIMALS OUTSIDE IN CRATES AND FENCED ENCLOSURES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Martin County is authorized, pursuant to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the Board of County Commissioners finds it in the best interest of the health, safety and welfare of the animals and citizens of Martin County to amend Chapter 9, Animals, of the Martin County Code of Ordinances, related to animal care and treatment, and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART ONE: AMENDMENT OF CHAPTER 9, ARTICLE 1, SECTION 9.3., POWER OF BOARD TO CREATE RULES AND REGULATIONS,

Section 9.3 is amended to read as follows:

Sec. 9.3. - Power of board to create rules and regulations.

- A. Penalties or fines for violations of this chapter shall be established by a resolution of the Board of County Commissioners, which may be amended from time to time.
- B. The board may ~~make~~ establish by resolution any necessary rules and regulations for the annual inoculation of all animals in Martin County with an approved anti-rabies vaccine and rules and regulations necessary for administering animal licensing.

PART TWO: AMENDMENT OF CHAPTER 9, ARTICLE 4, SECTION 9.92. ANIMAL CARE AND TREATMENT,

Section 9.92 is amended to read as follows:

Sec. 9.92. - Animal care and treatment.

9.92.A. The following shall constitute violations relating to the proper care and treatment of animals:

1. Keeping or harboring an animal under unsanitary or inhumane conditions;
2. Failing to provide an animal with potable water at all times;
3. Failing to provide an animal with food daily;
4. Failing to provide an animal with shelter/housing;
5. Failing to provide prompt medical attention for any sickly, diseased or injured animal;
6. ~~Restraining an unattended animal by a fixed point chain or tether less than ten feet in length for more than ten hours in a 24-hour period.~~ No dog shall be tethered unless all of the following conditions are met.
 - a. ~~An animal may be exclusively restrained by a chain or tether provided that it is at least ten feet in length, with swivels at both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted at least four feet and no more than seven feet above ground level in a manner so as not to interfere or become entangled with objects on the property.~~ The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
 - b. Any tethering system employed shall not allow the animal to leave the owner's property.
 - c. ~~No chain or tether shall weigh more than one-eighth of the animal's body weight.~~ The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
 - d. ~~Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.~~ The dog is not sick or injured.
 - e. "Choker" collars, as used in this section, shall mean any slip or sliding collar that restricts the animal's airway and shall not be used for animals maintained on a tether. The dog is at least six (6) months of age, and no more than seven (7) years of age.
 - f. The dog has access to water, shade, and dry ground.

- g. If there are multiple dogs, each dog is tethered separately.
 - h. The dog may not be tethered under weather conditions which endanger the health, safety or welfare of the animal; including but not limited to hurricanes, tropical storms or tornadoes.
 - i. The tether is attached to a properly fitting collar or harness worn by the dog. Prong, choke or chain collars are prohibited in the use of tethering animals. A “choke” collar as used in this section shall mean any slip or sliding collar that restricts the animal’s airway.
 - j. 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 five (5) times the length of the animal, as measured from the tip of the nose to the base of the tail, whichever is greater.
7. Leaving any known poisonous substance mixed with food otherwise exposed in a manner that allows such substance to be made available for consumption by any animal, except rats, mice or other hazardous vermin;
8. Failing, upon injuring a domestic animal by any means, to immediately notify the owner of such animal, if known, the Division, or the Martin County Sheriff’s Department;
9. Maliciously teasing, molesting, or otherwise mistreating an animal;
10. Leaving an animal unattended in a motor vehicle, trailer, or other enclosure ~~in a manner which prevents proper air circulation and ventilation for the animal;~~ under circumstances which endanger the health, safety or welfare of the animal;
11. Transporting or carrying any animal on any public highway or roadway in a vehicle unless the animal is safely enclosed within the vehicle. If the animal is located in the bed of an open vehicle (including, but not limited to, convertibles, pickup and flatbed trucks without a topper), the animal must be confined by a secured, well ventilated container of proper size that will prevent the animal from falling or jumping from the vehicle;
12. Abandoning or disposing of an animal on the property of another or on public property or abandoning or leaving an animal in a person's former residence when that person relocates to another residence or otherwise terminates the former residence.
13. Dogs, cats and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic, or other materials.

14. Dogs, cats, and small domestic animals may be kept outside in a fenced enclosure if the fenced enclosure contains a shelter/housing which meets all of the requirements for a shelter/housing under Section 9.1, Article 1, Martin County Code.

9.92.B. The owner of an animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, other public areas, or the private property of another person. A person's failure to do so will constitute grounds for "affidavit of complaint" as a nuisance animal.

9.92.C. An animal may be put to death only in accordance with recognized techniques of humane euthanasia as provided in applicable State statute, as amended from time to time.

9.92.D. All dead cats and dogs shall be disposed of by means of cremation or controlled burial. It shall be unlawful for any person(s) to dispose of a dead cat or dog by use of garbage collection, or otherwise within a landfill.

9.92.E. A person or organization, whether for profit, nonprofit, or charitable, may not offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance, or any other similar event.

PART THREE: APPLICABILITY

This Ordinance shall be applicable throughout Martin County's jurisdiction, except where in conflict with a municipal ordinance and only to the extent of such conflict.

PART FOUR: CONFLICTING PROVISIONS

Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART FIVE. SEVERABILITY

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART SIX. FILING WITH THE DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SEVEN. CODIFICATION

Provisions of this Ordinance shall be incorporated into the Martin County General Ordinances. The word “ordinance” may be changed to “article” or “section,” or other word, and the sections of this Ordinance may be renumbered or re-lettered.

PART EIGHT. EFFECTIVE DATE

The provisions of this Ordinance shall become effective upon filing with the Department of State.

DULY PASSED AND ADOPTED THIS ___ DAY OF _____, 2015.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS,
MARTIN COUNTY, FLORIDA**

**CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER**

ANNE SCOTT, CHAIR

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

**MICHAEL D. DURHAM
COUNTY ATTORNEY**