

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

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 9 ANIMALS, ARTICLE 1 GENERAL PROVISIONS, SECTION 9.1 DEFINITIONS, AND ARTICLE 4 ANIMAL CONTROL, CARE AND TREATMENT, SECTION 9.95 DANGEROUS DOGS, GENERAL ORDINANCES, MARTIN COUNTY CODE; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION.**

**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 and amend ordinances; and

**WHEREAS**, the Board of County Commissioners has determined it is in the best interest of the public health, safety, and welfare to periodically update Chapter 9, Animals; and

**WHEREAS**, the Board of County Commissioners has considered and determined that amending the ordinance is in the best interests of the health, safety and welfare of its residents and the public at large and for the protection of humans and animals from dangerous dogs.

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

**PART ONE: AMENDMENT OF SECTION 9.1 DEFINITIONS, ARTICLE 1 GENERAL PROVISIONS, CHAPTER 9 ANIMALS, GENERAL ORDINANCES, MARTIN COUNTY CODE**

*Section 9.1, Definitions, is amended as follows:*

**Sec. 9.1. - Definitions.**

The following words and phrases used in this chapter shall have the meaning set forth below, unless a different meaning is clearly required by the context:

*Aggravated violation* means a violation of sections 9.63.B., 9.93.E., and 9.94.B. of this chapter.

*Animal* means any live vertebrae creature including mammals, birds, reptiles, amphibians and fish, but not humans.

*Animal Services Officer* means a person employed or appointed by the County or a municipality, or authorized by interlocal agreement with the County, who is authorized to investigate, on public or private property, civil infractions related to animal control or cruelty, and to issue citations as provided in this chapter.

*Animal Services Unit* means the Animal Services Unit within the Martin County Sheriff's Department.

*Animal shelter or private nonprofit organization* means a nonprofit organization that is in the business of sheltering and adopting domestic companion animals, and is maintained by or under contract with a state, county, or municipality, or that is tax-exempt under Section 501(c)(3) of the United States Internal Revenue Code.

*At large* means any animal found running loose that has a current or traceable Martin County license, micro-chip or a license from any other jurisdiction.

*Attack* means an event whereby an unprovoked animal lunges at, runs after or otherwise chases or approaches a person or another animal and such event either occurs in a threatening or menacing manner or causes some type of injury or death.

*Bite* means an actual puncture or tear of the skin inflicted by the teeth of an animal.

*Board* means the Board of County Commissioners of Martin County, Florida.

*Cat* means any member of the species *Felis Catus*.

*Citation* means a written notice, issued to a person by an Animal Services Officer or a law enforcement officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of some designated provision(s) of this chapter and that the County court will hear the charge (if contested). The citation must meet the requirements of F.S. § 828.27(1)(f).

*Commercial stable* shall mean any premises where:

1. More than four equine are kept which do not belong to the owner or operator of the premises; or
2. Equine are kept for boarding, pasturing, breeding, riding, training, riding lessons, resale or rearing, and for which advertising is used to promote such activities. Advertising for the purpose of this section shall mean any written statement (excluding real property leasehold arrangements) made in connection with the solicitation of such business and includes without limitation, statements and representations made in a newspaper or other publication, or on radio or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter. Nonprofit stables are not included in this definition.

*Community cat* means any un-owned, free-roaming cat that has been treated for fleas and ticks, sterilized, vaccinated against rabies and feline distemper, ear-tipped

implanted with a microchip and returned to field and may be cared for by one or more residents who may be known or unknown.

*Community cat caregiver* means a person who provides food, water, and other care for one or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

*Compensation* shall mean anything given or received as payment or in exchange for a service or product.

*Control* means the regulation of the possession, ownership, care and custody of animals.

*County* means Martin County, a political subdivision of the State of Florida.

*County Health Department* means the health department established and maintained by Martin County in accordance with F.S. § 154.001 et seq.

*Cruelty* means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal, including any of the acts described in section 9.92.A.

*Dangerous dog* means any dog that, according to the records of the appropriate authority:

1. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
2. Has more than once severely injured or killed a domestic animal while off the owner's property;
3. Is used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
4. 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.

Dangerous Dog shall also mean a dog that has been previously lawfully declared by another state or other governmental entity, agency, or jurisdiction as a Potentially Dangerous Dog or Vicious Dog, or the like, and whose definition of such dog meets either (1), (2), (3), or (4) above.

*Designated hearing officer* means a Special Magistrate, or the County Administrator or his or her designee, ~~other than the Animal Services Unit administrator.~~

*Designated impoundment facility* means any animal shelter which is operated by a nonprofit corporation or a licensed veterinarian practicing in Martin County and which is under contract with the board.

*Dog* means any member of the species *Canis Lupus Familiaris*, or any genetic hybridization thereof, not under the jurisdiction of the Fish and Wildlife Conservation Commission.

*Domestic animal* means any tame animal, usually by generations of breeding, and living in a close association with humans as a pet, work animal or farm animal in such a way that creates a dependency on humans so that the animal loses its ability to live in the wild.

*Ear-tipped or ear-tipping* means notching or removing approximately a quarter-inch off the tip of the cat's left ear while the cat is anesthetized for sterilization. An ear-tip or notch on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies and feline distemper, implanted with a microchip, sterilized and returned to the field.

*Feral* means any dog or cat existing in a wild or untamed state, or any dog or cat that has returned to an untamed state from domestication.

*Free-roaming cats* shall mean any cat found outdoors regardless of behavior or ownership status.

*Grooming establishment* shall mean any place of business (stationary or mobile) which accepts private pets for bathing, clipping, dipping pedicure or other related services (not to include breeding, dentistry, or overnight boarding).

*Habitually* means the fourth or subsequent violation of a particular offense.

*Harbor* means the act of caring for and keeping an animal or the act of providing a premise or residence to which the animal returns for food, shelter or care for a period of at least ten days, or at the point where the caregiver is providing the primary source of sustenance for the animal; whichever time is shorter.

*Impound* means to apprehend an animal for the purpose of confinement in a designated impoundment facility.

*Kenel* shall mean facilities used for the commercial boarding of domestic animals, such as dogs and cats.

*Law enforcement animal* means a dog or other animal which is under the direct control of a public law enforcement officer.

*Letter of pre-existing status* means a letter issued by the County Administrator or designee which confirms the subject business was established and actively engaged in the sale of dogs and/or cats on June 30, 2022, in Martin County.

*License/identification tag* means a numbered tag that provides proof of current rabies vaccination and Martin County registration for the tagged domesticated animal.

*Licensed veterinarian* means a person who has a veterinary medicine degree and possesses a valid license to practice, as a veterinary doctor, in the State of Florida.

*Micro-chip* means an electronic device used for the permanent identification of the host animal.

*Owner* means any person or entity other than a community cat caregiver, possessing, harboring, keeping or having custody or control of an animal. If the animal is owned by a person under age eighteen (18), owner shall be such person's parent or guardian.

*Person* means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent, or employee thereof.

*Pet dealer* means any person, business, firm, partnership, corporation, entity, or other association which in the ordinary course of business, engages in the sale of more than two litters, or twenty (20) dogs, cats, or companion animals per year, whichever is greater, to the public and is regulated by F.S. § 828.29, as amended from time to time.

*Pet Lemon Law* shall mean the consumer information set forth in F.S. § 828.29, as amended from time to time, that has been compiled into a pamphlet by the Florida Veterinary Medical Association.

*Pet store* shall mean a commercial retail place of business, open to the public, that engages in the sale of pet supplies, pet services, and/or animals, including small animals intended for use as reptile food. This definition excludes animal shelters, private non-profit organizations, those animals regulated and controlled by the Florida Fish and Wildlife Conservation Commission, and those animals sold on agriculturally zoned lands.

*Premises* means a parcel of land and the structures thereon.

*Proper enclosure* means while on the owner's property, the animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements.

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

*Rabbit* means any member of the species *Oryctolagus Cuniculus*.

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

*Shelter/housing* means provision of and access to a three dimensional structure that has a roof, a minimum of four 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 be designed to protect the animal from the adverse effects of the elements and environmental conditions. The structure must: (i) be free of standing water, accumulated waste, and debris; (ii) protect the animal(s) from injury; and (iii) have adequate ventilation. Wire, grid or slat floors of structures that permit the animal's feet to pass through openings, or sag 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 are minimum standards by which a structure 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.

*Sheriff* means the Martin County Sheriff, or his/her designee.

*Sterilized* means a spayed or neutered animal.

*Stray* means any animal found at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have an identification tag or micro-chip and for which there is no identifiable owner; however, community cats shall not be considered stray.

*Temporary resident or nonresident* means a person who resides in Martin County for less than six months in any calendar year, and whose Martin County residence is not the person's permanent residence.

*Trap-neuter-vaccinate-return or TNVR* means a County authorized program in which a free-roaming cat is humanely trapped, spayed or neutered, vaccinated against rabies and feline distemper, ear-tipped, implanted with a microchip and returned to field.

*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 an animal.

*Unsterilized* means a nonspayed or nonneutered animal.

*Vaccination/vaccinated* means protection provided against rabies by inoculation with anti-rabies vaccine, as administered by a licensed veterinarian. Provided however for section 9.90D this term shall mean inoculation against rabies and feline distemper.

*Zoonotic* means relating to or constituting a disease of animals that can be transmitted to human beings.

**PART TWO: AMENDMENT OF SECTION 9.95 DANGEROUS DOGS, ARTICLE 4 ANIMAL CONTROL, CARE AND TREATMENT, CHAPTER 9 ANIMALS, GENERAL ORDINANCES, MARTIN COUNTY CODE**

*Section 9.95. - Dangerous Dogs is amended as follows:*

**Sec. 9.95. – Dangerous Dogs**

9.95.A. In accordance with the provisions of F.S. § 767.12, as amended from time to time:

1. The Animal Services Unit shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any Animal Services Officer or law enforcement officer, desiring to have a dog classified as dangerous, as defined in this chapter. Any animal that is the subject of a dangerous dog investigation may be impounded by the Animal Services. Any animal that is not impounded by Animal Services 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 Animal Services Unit. No dog that is the subject of a dangerous dog investigation may be relocated or have ownership transferred pending the outcome of such 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 ownership transferred.
2. A dog shall not be declared dangerous if 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. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
3. After the investigation, the Animal Services Unit 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 before the designated hearing officer prior to making a final determination. The Animal Services Unit 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, as amended from time to time, relating to service of process. The owner may file a written request for a hearing before the designated hearing officer within seven 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 later than 21 calendar-days and no sooner than five business days after receipt of the request from the owner.

4. A dog that is the subject of a dangerous dog investigation because of severe injury or death to a human being may be immediately confiscated by the Animal Services Unit, placed in quarantine, or impounded and held. The dog may be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed.
5. A dog that is the subject of a dangerous dog investigation which is not impounded with the Animal Services Unit must be humanely and safely confined by the owner in a securely fenced or enclosed area. The animal shall be confined in such manner pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The address at which the animal resides shall be provided to the Animal Services Unit. A dog that is the subject of a dangerous dog investigation may not be relocated or its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section.
- 6 4- The final determination of classification of a dog as a dangerous dog will be made by the Animal Services Unit if the owner has not duly filed a request for hearing, or by the designated hearing officer at the conclusion of a ~~the~~ hearing. Formal rules of evidence shall not apply at the hearing, but fundamental due process for all parties shall be observed and shall govern the proceeding.
7. 5. If the Animal Services Unit makes the final determination classifying the dog as a dangerous dog, the Animal Services Unit shall provide written notification to the owner by registered mail, certified hand delivery or service. If the designated hearing officer made the final determination classifying the dog as a dangerous dog, the County shall provide the final order to the owner by registered mail, certified hand delivery or service.
8. The owner or County may appeal the final order issued by the Designated Hearing Officer ~~County~~ to the Circuit Court within 30 days of the execution of the final order to be appealed ~~court of appropriate jurisdiction in accordance with the Florida Rules of Appellate Procedure.~~ Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Designated Hearing Officer. If the dog is not held by the Animal Services Unit or the appropriate facility approved by the Animal Services Unit, the owner must confine the dog in a securely fenced or enclosed area pending a resolution of the appeal.
9. If a dog is classified as a dangerous dog due to an incident that caused severe injury or death to a human being, then based upon the nature and circumstances of the injury, and the likelihood of a future threat to public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner. However, the dog may not be destroyed while an appeal is pending. An owner or



person who is in possession of a dangerous dog that is to be destroyed shall immediately turned the dog over to Animal Services Unit to be euthanized. A dog may not be destroyed while an appeal is pending

~~10-6.~~ Within 14 days after a dog has been classified as dangerous ~~by the Animal Service Unit~~ or 14 days after the conclusion of any appeal that affirms such final order whichever is later, the owner of the dog must obtain a license and register the dog as a dangerous dog with the Martin County Tax Collector, or the County designated collecting entity, and renew said license and registration yearly.

11. The owner of the dog must also obtain a certificate of registration for the dog from the Animal Services Unit, and the certificate shall be renewed annually. The Animal Services Unit is authorized to issue such a certificate of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the Animal Services Unit sufficient evidence of:

- a. A current certificate of rabies vaccination for the dog; and
- b. A proper enclosure to confine the 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; and
- c. Permanent identification of the dog, by electronic implantation (micro-chip) or a tattoo on the inside thigh; and
- d. A current veterinarian certification of sterilization of the dangerous dog.
- e. A license and registration from the Martin County Tax Collector, or the County designated collecting entity.

9.95.B. The Animal Services Unit shall impose an annual fee for the issuance of certificates of registration required by this section, as established by resolution of the board and a related late fee, if the annual fee is not paid in a timely manner.

9.95.C. The owner of a dangerous dog shall immediately notify the Animal Services Unit when a dog that has been classified as dangerous:

1. Is loose or unconfined;
2. Has bitten a human being or attacked another animal;
3. Is sold, given away or dies; or
4. Is moved to another address.

9.95.D. 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 Animal Services Unit. The new owner must comply with all of the requirements of F.S. § 767.12, and this chapter, even if the animal is moved from Martin County to another local jurisdiction within the State. The animal control authority/animal services officer must be notified by the owner of the dog classified as dangerous that the dog is in his/her jurisdiction.

9.95.E. If a dog classified as dangerous, vicious, and/or potentially dangerous, pursuant to Chapter 767 of the Florida Statutes, or pursuant to any governmental entity, including a local law, ordinance, or regulation, or pursuant to another state's law or regulation including that state's local laws, ordinances, or regulations, and is subsequently relocated to Martin County, the owner shall notify the Animal Services Unit within 30 days of the relocation. A dog deemed vicious and/potentially dangerous by another jurisdiction shall be considered a dangerous dog under this Article. The owner of a dangerous dog shall comply and adhere to the requirements stated in 9.95.A.10.

9.95.F.E. — A dog that is deemed dangerous shall not ~~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/her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. The owner of a dangerous dog shall prominently display a sign on the owner's premises, at all entry points, warning children and adults that there is a dangerous dog on the property. When being transported, ~~such~~ a dangerous dogs must be safely and securely restrained within a vehicle. A dangerous dog shall not be brought to a dog park or public park or beach.

9.95.G. Hunting dogs are exempt from the provisions of this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibition 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 and any other applicable sections of this chapter. Dogs that have been classified as dangerous shall not be used for hunting purposes.

9.95. H. The Animal Services Unit may impound a dangerous dog if the owner fails to comply with the dangerous dog mandates and responsibilities of this chapter. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with the dangerous dog mandates and responsibilities and payment of any boarding fees, impound fees, or other applicable fees established by the Board by resolution. If the owner does not comply with the dangerous dog mandates and responsibilities and redeem the dangerous dog within 60 days of the date the dog was impounded, the dog shall become property of the County.

9.95. I. If a dog that has previously been declared dangerous subsequently attacks, bites, or kills a person or a domestic animal without provocation, the dangerous dog shall be immediately confiscated by the Animal Services Unit, placed in quarantine if necessary, or impounded, and held for 10 business days after the owner is given written

notification, and thereafter destroyed in an expeditious and humane manner. Notification shall be made by either registered mail, tracked courier to the owner's last known address or hand delivered to the owner. This 10-day time period shall allow the owner to request a hearing before the Hearing Officer to determine whether the subject dog was previously declared dangerous and was involved in a subsequent incident involving an attack, a bite, or a killing. The owner shall be responsible for payment of all boarding costs and other fees as may be required to keep the animal humanely and safely during any appeal procedure. If the owner files a written appeal, the dog must be held and may not be destroyed while the appeal is pending. If the dog attacks or bites a person who was engaged in or attempting to engage in a criminal activity, then the dog shall not be destroyed.

9.95.J G- This section does not apply to dogs used by law enforcement officials for law enforcement work.

### **PART THREE: CONFLICTING PROVISIONS**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

### **PART FOUR: 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 FIVE: APPLICABILITY OF ORDINANCE**

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

### **PART SIX: FILING WITH 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: EFFECTIVE DATE**

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

**PART EIGHT: CODIFICATION**

Provisions of this ordinance shall be incorporated in the County Code, except parts Three to Eight shall not be codified. The word “ordinance” may be changed to “section,” “article” or other word, and the sections of this ordinance may be renumbered or re-lettered.

**DULY PASSED AND ADOPTED this \_\_\_\_ day of August, 2024.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

\_\_\_\_\_  
HAROLD E. JENKINS II, CHAIRMAN

APPROVED AS TO FORM & LEGAL  
SUFFICIENCY:

\_\_\_\_\_  
SARAH W. WOODS, COUNTY ATTORNEY

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