



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

April 23, 2019

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 012-2019 amending Section 4-1 and 4-67 of the Monroe County Code; providing for revisions to the animal control provisions regarding animals running at large, animal confinement and leash requirements; providing for severability; providing for repeal of all Ordinances inconsistent herein; providing for incorporation into the Monroe County Code of Ordinances; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on April 17, 2019. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: County Administrator
County Attorney
Facilities
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145

ORDINANCE 012-2019

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 4-1 AND 4-67 OF THE MONROE COUNTY CODE; PROVIDING FOR REVISIONS TO THE ANIMAL CONTROL PROVISIONS REGARDING ANIMALS RUNNING AT LARGE, ANIMAL CONFINEMENT AND LEASH REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (BOCC) in 2006 revised the animal control provisions via *Ordinance 006-2006* and the leash law requirements which allows for *effective voice command* as an acceptable means of control from an animal running at large or otherwise violating the provisions of Chapter 4 of the Monroe County Code (MCC); and

WHEREAS, effective voice command has failed in certain situations and resulted in animals running at large causing actual or potential injury to other animals and persons; and

WHEREAS, in order to prevent animals from running at large and avoid potential injuries or nuisance situations, the MCC is being revised to no longer allow voice command; and

WHEREAS, Sec. 4-67 of the Monroe County Code will be revised to further clarify the language regarding animals running at large and confinement of animals;

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

SECTION 1: Section 4-1. Definitions. shall be amended for the following definitions: *Animal at large*, *Direct control*, *Effective voice command*, and *Leash* as follows:

Animal at large means any animal, other than a cat, not on the owner's property and not under the direct control of the owner or other responsible person.

Direct control means immediate and continuous physical control of an animal at all times such as by means of a leash, secured fence or other means of confinement.

Leash means a cord, strap or other like apparatus that is of such strength to humanely restrain the animal it is attached to, and which is controlled by a person capable of restraining the animal.

SECTION 2: Section 4-67.-Animal at large prohibited; restraint of dangerous dogs; nuisances; confinement of female dogs and cats in heat; curbing dogs shall be amended to read as follows:

- (a) No owner or keeper of an animal, other than a domestic cat, shall allow the animal to run at large on any public property or on any private property of another without permission of the property owner. Any animal under the close supervision of its owner or keeper or otherwise engaged in an organized animal exhibition, field trial, competition, legal sport or training for these activities, shall not be deemed to be an animal at large. It is unlawful for owners or keepers of a diseased animal, including a diseased cat, to allow the animal to run at large.
- (b) No owner or keeper of a dog declared by the animal control supervisor to be dangerous shall allow the dog to run at large or to fail to secure, restrain or confine the dog as ordered by the animal control supervisor or animal control officer pursuant to this chapter.
- (c) No animal owner or keeper shall permit the animal to be a nuisance. The owner or keeper of any animal for which the owner or keeper has been given notice that the animal constitutes a public nuisance shall take necessary precautions to abate the nuisance. At a minimum, the owner or keeper shall immediately confine the animal in such manner as is necessary to prevent the continuation of the nuisance. Within 14 days of receipt of notice that an animal constitutes a public nuisance, the owner or keeper shall permanently confine the animal, have the animal destroyed by euthanasia by a licensed veterinarian or remove the animal from the county, whichever may be necessary to the abatement of the nuisance. Failure to abate the nuisance as required herein shall be deemed the maintaining of a public nuisance in violation of this chapter.
- (d) No owner or keeper shall permit a female dog or cat in heat (estrus) to be upon the streets or in any public place. The owner or keeper of a female dog or cat in heat shall confine the animal in a house, building or secure enclosure in such a manner so as to make it inaccessible to any male dog or cat except for controlled and intentional breeding purposes. Maintaining direct control or confinement within a fence, open kennel, open cage or run may be, but shall not be presumed to be, insufficient and not in compliance with this section, unless other measures have been instituted to prevent uncontrolled breeding.
- (e) The following regulations shall apply:
 - (1) No dog owner or keeper shall allow an unleashed dog upon any school grounds.
 - (2) No dog owner or keeper shall, either willfully or negligently, permit the dog to defecate upon any public property, except where designated by official signage, or on private property without the permission of the owner. A dog owner or keeper is required to remove the dog's feces from any public property or school grounds or any private property upon which the dog is not permitted to defecate. A person having custody or direct control of an animal on property other than his own shall be equipped to collect and shall collect such animal's solid waste when eliminated.
 - (3) Except for animals that assist disabled persons, domestic animals are prohibited from all county parks and beaches unless permitted in this Code. No person may cause or allow any domestic animal (of whatever size) other than an animal that assists a disabled person to be brought to, or remain on, any county park or beach, with the exceptions of parks and beaches specified in subsection (e)(4) of this section.

- (4) Pets are permitted to be taken to county parks as set forth in subsection 18-27(1), subject to pet-friendly park restrictions specified therein.
- (5) Except for animals that assist disabled persons, and animals that play a work-related role, domestic animals are prohibited from all county facilities except where specifically allowed by other sections of this Code or by resolution of the board.
- (6) If this subsection (e) is violated, the department is authorized to remove the animal or, in its discretion, to order the owner or keeper to do so.
- (7) An owner or keeper of any animal shall immediately remove any excrement deposited by the animal on any property other than that of the owner, whether the animal is lawfully or unlawfully on the property. Failure to do so immediately shall constitute an additional violation of this section.

SECTION 3: SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, 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, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 4: CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

SECTION 5: INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6: TRANSMITTAL AND EFFECTIVE DATE. This Ordinance shall be filed with the Department of state and shall be effective as provided in section 125.66(2), Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of April, 2019.

Mayor Sylvia Murphy
 Mayor Pro Tem Danny Kolhage
 Commissioner Michelle Coldiron
 Commissioner Heather Carruthers
 Commissioner David Rice

Yes
Yes
Yes
Yes
Yes



KEVIN MADOK, Clerk

By *Kevin Madok*
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
 OF MONROE COUNTY, FLORIDA

By *Sylvia J. Murphy*
 Mayor/Chairperson

FILED FOR RECORD
 2019 APR 23 PM 3:15
 CLERK CIR. CLERK
 MONROE COUNTY, FL

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:
Christine Limbert-Barrows
 CHRISTINE LIMBERT-BARROWS
 ASSISTANT COUNTY ATTORNEY
 DATE: 4/23/19