

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO BREEDER PERMITS AND REQUIREMENTS; AMENDING SECTION 4-6.5 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”); ALLOWING CIVIL PENALTIES FOR FIRST-TIME VIOLATIONS OF SECTION 4-6.5(a) OF THE CODE TO BE APPLIED TO FEES FOR A NEW BREEDER PERMIT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Lamar P. Fisher, and
Cosponsored by Senator Nan H. Rich)

WHEREAS, Section 4-6.5 of the Broward County Code of Ordinances (“Code”) governs the procedures for obtaining a dog or cat breeder permit from the Animal Care and Adoption Division (“Division”) and provides for civil penalties for violating Section 4-6.5 by failing to obtain or renew a breeder permit;

WHEREAS, Section 4-6.5(a) of the Code requires that prior to breeding or studing a dog or cat, selling a dog or cat, or offering a dog or cat for sale, breeding, or studing purposes, an individual or entity must first obtain a breeder permit issued by the Division;

WHEREAS, Section 4-6.5(c) of the Code mandates that permits shall not be issued or renewed hereunder to any applicant that has outstanding and unsatisfied civil penalties imposed due to violations of Chapter 4;

WHEREAS, Section 4-6.5(l) of the Code requires that all fees and civil penalties associated with Section 4-6.5 shall be utilized for spay and neuter programs;

WHEREAS, the Animal Care Advisory Committee (“Committee”), in a letter to the Board and County Administration dated October 22, 2021, recommends changes to both Section 4-6.5 of the Code and Section 40.9 of the Broward County Administrative Code,

1 which will allow the civil penalties for a first-time violation of Section 4-6.5(a) of the Code
2 to be applied toward the fees to obtain a new breeder permit;

3 WHEREAS, the Committee believes that allowing the civil penalties for first-time
4 violations of Section 4-6.5 of the Code to be used to offset the violator's costs of obtaining
5 a breeder permit to come into compliance with Section 4-6.5 will promote the humane
6 treatment of dogs and cats in Broward County and will reduce the number of homeless
7 cats and dogs; and

8 WHEREAS, the Board deems it in the best interests of the citizens of Broward
9 County to accept the recommendations of the Committee and amend Sections 4-6.5(c)
10 and 4-6.5(l) of the Code in accordance therewith,

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12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
13 BROWARD COUNTY, FLORIDA:

14
15 Section 1. Section 4-6.5 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 4-6.5. Breeder permits and requirements.**

18 (a) No breeder shall cause or allow the breeding or studing of a dog or cat,
19 sell a dog or cat, or offer a dog or cat for sale, breeding, or studing purposes, without
20 first obtaining a breeder permit issued by the Division. The cost of the permit and other
21 related fees shall be established by the Commission by resolution.

22 (b) A breeder permit is valid for a period of one (1) year from the date of
23 issuance and must be renewed annually. Renewal applications for permits shall be made
24 at least thirty (30) days prior to expiration.

1 (c) No permit shall be issued or renewed hereunder to any applicant that has
2 outstanding and unsatisfied civil penalties imposed due to violations of this chapter,
3 except that the applicable portion of the civil penalty for a first-time violation of
4 Section 4-6.5(a) may be applied by the violator toward the fees for obtaining the breeder
5 permit, provided the violator submits a completed application and complies with all
6 conditions for obtaining the breeder permit within fifteen (15) calendar days after the
7 Division issues the violation notice.

8 . . .

9 (l) All fees and fines associated with this section shall be utilized for spay and
10 neuter programs, subject to the exception stated in Section 4-6.5(c).

11
12 Section 2. Severability.

13 If any portion of this Ordinance is determined by any court to be invalid, the invalid
14 portion will be stricken, and such striking will not affect the validity of the remainder of this
15 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
16 legally applied to any individual, group, entity, property, or circumstance, such
17 determination will not affect the applicability of this Ordinance to any other individual,
18 group, entity, property, or circumstance.

19
20 Section 3. Inclusion in the Broward County Code of Ordinances.

21 It is the intention of the Board of County Commissioners that the provisions of this
22 Ordinance become part of the Broward County Code of Ordinances as of the effective
23 date. The sections of this Ordinance may be renumbered or relettered and the word
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
2 phrase to the extent necessary in order to accomplish such intention.

3

4 Section 4. Effective Date.

5 This Ordinance is effective as of the date provided by law.

6

7 ENACTED

PROPOSED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

10

11 Approved as to form and legal sufficiency:
12 Andrew J. Meyers, County Attorney

13 By /s/ De’Anne A. Jackson 11/16/2021
14 De’Anne A. Jackson (date)
15 Assistant County Attorney

16 By /s/ Nathaniel A. Klitsberg 11/16/2021
17 Nathaniel A. Klitsberg (date)
18 Senior Assistant County Attorney

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DAJ/vu
ACAD Breeder Permit Fee Schedule Ord
11/16/2021
#592769v2

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