

PROPOSED

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ANIMAL CARE AND ADOPTION PET RETENTION AND REDEMPTION PROGRAMS; AMENDING SECTION 4-28 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), TO PROVIDE CIVIL PENALTY AND FEE PAYMENT OPTIONS FOR PET OWNERS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Chapter 4 of the Broward County Code of Ordinances, "Animals," Section 4-28, "Enforcement of violations," is hereby amended to read as follows:

Sec. 4-28. Enforcement of violations.

...

(b) An officer who has probable cause to believe that a person has committed an act in violation of this chapter shall issue a citation for a civil penalty as specified in Section 4-29 in an amount set by resolution. Notwithstanding any provision to the contrary in this chapter, before issuing a citation for a violation of Sections 4-10 or 4-11, an officer may provide a warning notice to the violator identifying the violation of this chapter and establishing a thirty (30) day time period within which time the violation must be corrected. If, upon investigation, it is determined that the violator has not corrected the violation within the time specified, a citation may be issued to the violator. Additional warning notices need not be provided to the violator for the same violation prior to the issuance of additional citations.

...

1 (j) Notwithstanding any provision to the contrary in this chapter and in order
2 to quickly reunite pets with their owners, the Division may set up a payment plan for
3 individuals who are unable to pay the entire amount of their fees and civil penalties due
4 pursuant to Section 40-38, Broward County Administrative Code. Upon the full
5 execution of a payment plan agreement between the Division and the pet owner, the pet
6 may be released to the owner. The form of the payment plan agreement shall be
7 approved by the Director.

8 (k) Notwithstanding any provision to the contrary in this chapter, applicable
9 fees, as set forth in Section 40-38 (except Subsection 40-38(n)), Broward County
10 Administrative Code, may be waived or reduced by the Division for individuals who
11 meet federal low income guidelines.

12 Section 2. SEVERABILITY.

13 If any portion of this ordinance is determined by any Court to be invalid, the
14 invalid portion shall be stricken, and such striking shall not affect the validity of the
15 remainder of this ordinance. If any Court determines that this ordinance, or any portion
16 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
17 or circumstance(s), such determination shall not affect the applicability hereof to any
18 other individual, group, entity, property, or circumstance.

19 Section 3. INCLUSION IN CODE.

20 It is the intention of the Board of County Commissioners that the provisions of
21 this Ordinance shall become and be made a part of the Broward County Code; and that
22 the sections of this Ordinance may be renumbered or relettered and the word
23 "ordinance" may be changed to "section," "article," or such other appropriate word or
24 phrase in order to accomplish such intentions.

1 Section 4. EFFECTIVE DATE.

2 This ordinance shall become effective as provided by law.

3
4 ENACTED

5 FILED WITH THE DEPARTMENT OF STATE

6 EFFECTIVE

PROPOSED

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10 Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

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12 By /s/ John E. Naclerio III 04 /10/14
13 John E. Naclerio III (date)
Assistant County Attorney

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23 JEN/gmb
04/10/14
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.