

Spay and Neuter Ordinance

Sec. 10-19. - Mandatory spay or neuter.

(a) Purpose . The city council has determined that the unintended or uncontrolled breeding of cats and dogs within the city leads to many of these unwanted animals becoming strays, suffering privation and death, necessitating impoundment and euthanasia at significant expense to the community, and constituting a public nuisance and public health hazard. Therefore, it is deemed that reducing the number of unwanted cats and dogs is in the public interest and that reasonable measures be taken to reduce the number of unwanted cats and dogs.

(b) Spaying or neutering of cats and dogs.

(1) Requirements . No person may harbor a cat or a dog six months of age or older within the city that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered cat or dog or unless the cat or dog is otherwise exempt pursuant to this section.

(2) Unaltered animal permit.

a. Qualifications . An owner of an unaltered cat or dog shall be excepted from the requirements of this section and be qualified for an unaltered animal permit upon providing the documentation required by this section.

1. Shows and competitions . The dog or cat is used to show, to compete, or to breed; is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), Cat Fanciers' Association (CFA) or other bona fide registry and meets one of the following requirements:

- i. The dog or cat has competed in at least one show or sporting competition sanctioned by a bona fide national registry within the past 365 days; or
- ii. The dog earned conformation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working or other title from a purebred dog registry referenced above or other registry or dog sport association; or
- iii. The owner of the cat or dog is a member of, and the cat or dog is registered with, a bona fide cat fancier's association or purebred dog breed club which maintains and enforces a code of ethics for cats or dogs that includes restrictions from breeding cats or dogs with genetic defects and life-threatening health problems that commonly threaten the breed; or
- iv. The owner signs a statement under oath attesting that the dog or cat is being diligently trained to comply with the requirements of subsections i. or ii., above and provides supporting documentation.

2. Medical fitness . A veterinarian licensed in the state certifies in writing that the cat or dog is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including, but not limited to, age, which would be substantially aggravated by the procedure or would likely result in the death of the cat or dog. The certification must state a date, if any, by which the cat or dog may be spayed or neutered. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have it spayed or neutered within 30 days.

3. Law enforcement . The dog is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program.

4. Service animal . A dog or cat is a service animal as defined in 28 C.F.R. § 36.104 and F.S. § 413.08(1)(d), or is part of a bona fide service animal breeding program.

5. Breeders . The owner demonstrates proof of a breeding contract for a particular cat or dog, membership in a bona fide national, state, or local organization for the perpetuation of a given breed of cat or dog, or proof of a litter produced by breeding of the dog or cat within the past 365 days and is a licensed or registered breeder.

6. Hunting and herding dogs . The dog is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national state, or local hunting or herding dog association. Alternatively, the owner of the dog signs a statement, under oath, attesting that the dog is used or trained or will be used or trained to be a hunting or herding dog.

b. Microchipping . As a condition of obtaining an unaltered animal permit, the owner of an eligible cat or dog must have the animal implanted with an identifying microchip and the owner must provide the microchip number with the application for the unaltered animal permit. This requirement shall not apply to hunting, herding and sporting dogs.

c. Place of residence . The address of the owner of an unaltered animal shall be presumed to be the residence of the cat or dog. All changes of address must be reported to the city within 30 days following such change.

d. Change in ownership . An unaltered animal permit holder shall notify the city of any change of ownership of an unaltered dog or cat within 30 calendar days.

e. Term of unaltered animal permit . An unaltered animal permit shall be valid for the life of the dog or cat, provided the animal remains qualified for the exception.

f. Fee for unaltered permit . The fee for an unaltered animal permit shall be set by resolution of the city council and shall be subject to periodic amendment by resolution, except that no fee shall be due for active law enforcement or service animals.

(3) Enforcement.

a. Compliance. The owner of a cat or dog subject to this section shall have the animal spayed or neutered or, if eligible, shall obtain an unaltered animal permit within 30 days of the dog or cat becoming six months of age or by October 1, 2011, whichever is later. In the case of an owner who acquires a dog or cat which is six months of age or older, the owner shall comply within 30 days of acquisition of the animal.

b. Penalty. Any person who violates any provision of this section is subject to the enforcement procedures of this chapter as provided for in section 10-17. In addition, penalties may include revocation of an unaltered animal permit for violations of this section, provided the holder of the unaltered animal permit is given notice and an opportunity to object and be heard.

c. Revocation of unaltered animal permit. Upon receipt of information of violation of this section, the city clerk, or his or her designee, may issue a notice of revocation to an unaltered animal permit holder. The notice of revocation shall state the violation and shall be sent by certified mail, return receipt

requested, by hand delivery, or by posting of the property at the address listed in the unaltered animal permit application. A request for hearing on the revocation of the unaltered animal permit shall be filed with the city clerk by the permit holder within 30 days after the permit holder's receipt of the notice of revocation. Failure to timely request a hearing shall render the revocation final. All hearings shall be conducted in public by the city special magistrate at the next available regular proceeding following receipt of a request for hearing. The original of the special magistrate's written decision shall be filed with the city clerk, and copies shall be provided to the unaltered animal permit holder.

(4) Exemptions . The owner of a cat or dog that meets one of following criteria shall be exempt from this section and not be required to obtain an unaltered animal permit:

a. The cat or dog is temporarily harbored within the city for less than 90 consecutive days within any calendar year.

b. The cat or dog is being harbored by a lawful humane society or animal shelter, whether public or private, whose principal purpose is securing the adoption of cats or dogs [and/or] offering sanctuary for cats or dogs and which certifies in writing that it does not engage in the breeding of cats or dogs, provided that the requirements of F.S. § 823.15 are satisfied.

(Ord. No. 2011-14, § 1, 10-18-11)