

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

ORDINANCE NO. 1041

AN ORDINANCE AMENDING CHAPTER 9 GENERAL ORDINANCES, MARTIN COUNTY CODE RELATING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 9.1 DEFINITIONS, SECTION 9.62 ISSUANCE OF ANIMAL LICENSE/IDENTIFICATION TAGS AND VACCINATION CERTIFICATES AND SECTION 9.90 ANIMAL RESTRAINT LAW, REGARDING TRAP NEUTER VACCINATE AND RELEASE (TNVR) PROGRAM; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to establish programs providing for the health, safety and general welfare of the residents of Martin County; and

WHEREAS, the Board is authorized by provisions in Chapters 823 and 828, Florida Statutes, to adopt ordinances related to the sterilization of animals released from animal shelters or animal control agencies and animal control generally; and

Whereas, the Board recognizes the need to address issues presented by feral, free roaming, abandoned and other community cats; and

WHEREAS, the Board has determined that the existing Animal Control Ordinance should be amended to provide additional definitions and to exempt a County authorized feral cat trap-neuter-vaccinate-return program from the animal control and restraint provisions for the purposes of lowering animal control costs with respect to abandoned,

stray or feral cats, reducing nuisance complaints from citizens, alleviating public health concerns, lessening predation of wildlife, and reducing the euthanasia of cats.

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

PART ONE: Chapter 9 of General Ordinances, Martin County Code is hereby amended to read as follows:

SUBPART A: Section 9.1, General Ordinances, Martin County Code is hereby amended to read 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 living non-human ~~dumb~~ creature.

"ANIMAL CARE AND CONTROL 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.

"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.

"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.

"CITATION" means a written notice, issued to a person by an animal care and control 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).

"COLONY" means a cluster or group of feral or stray or other non-owned cats which live together in a specific location and use a common food source. ~~A colony may range in size from as few as three cats to 100 or more consisting primarily of adult females and their kittens and some adult males.~~

"COMMERCIAL BREEDER" shall mean any person which engages in the breeding of dogs and/or cats for the purpose of sale or transfer of such dogs and/or cats for compensation. Hobby breeders are excluded from this definition.

"COMMERCIAL STABLE" shall mean any premises where:

1. More than four (4) 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.

"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. has been 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.

"DESIGNATED HEARING OFFICER" means the County Administrator or his designee, other than the Division 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.

"DIVISION" means the Animal Care and Control Division of Martin County, including any Animal Control and Care Division within the Martin County Sheriffs Department.

"DOMESTIC ANIMAL" means any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, ferret, or other domesticated beast or bird.

"EAR-TIPPED" or "EAR-TIPPING" ~~is the universal sign of a neutered, feral~~ ~~cat and~~ means removing approximately a quarter-inch off the tip of the cat's left ear

while the cat is anesthetized for sterilization. in a straight line cut. An ear-tip 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 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" ~~means feral, stray or abandoned 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.

"HOBBY BREEDER" shall mean a person who breeds and/or raises on his/her property dogs, cats, and/or companion animals, which sells no more than 2 litters, or twenty (20) dogs, cats, and/or companion animals per year, whichever is greater.

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

"KENNEL" shall mean any place of business which dogs and cats are kept for sale, breeding, boarding, or training.

"LAW ENFORCEMENT ANIMAL" means a dog or other animal which is under the control of a public law enforcement officer.

"LICENSE/IDENTIFICATION TAG" means a numbered tag that provides proof of current rabies vaccination and Martin County registration.

"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 ~~implant~~ device used for the permanent identification of the host animal.

"OFFICIAL CERTIFICATE OF VETERINARY INSPECTION" shall mean a legible certificate of veterinary inspection which has been issued by the State of Florida, Department of Agriculture and Consumer Services, and signed by the examining veterinarian licensed by the State of Florida and accredited by the United States Department of Agriculture, as set forth in Section 828.29(3)(b), Florida Statutes (2004), as amended from time to time.

"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, firm, partnership, corporation, 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 Section 828.29, Florida Statutes (2004), as amended from time to time.

"PET LEMON LAW" shall mean the consumer information set forth in Section

828.29, Florida Statutes (2001), as amended from time to time, that has been compiled into a pamphlet by the Florida Veterinary Medical Association.

"PET STORE" shall mean any place or business where pet/companion animals (including small animals intended for use as reptile food) are kept for retail or wholesale purchase. Excluded are those animals regulated and controlled by the Florida Fish and Wildlife Conservation Commission.

"PREMISES" means a parcel of land and the structures thereon.

"PRIVATE ANIMAL NONPROFIT ORGANIZATION" shall mean a private incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats or TNVR for cats.

"PROPER ENCLOSURE OF A DANGEROUS DOG" means while on the owner's property, a dangerous dog 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 dog 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.

"RETURN TO FIELD" means return to the place of origin, vicinity of the place of origin, or, as a last resort, an alternative location if all reasonable options of return

to the place or origin have been exhausted.

"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 (4) 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 running loose beyond the boundaries of the premises of the owner that is not wearing a current Martin County license/identification tag or micro-chip except for community cats, which meet the Community Cat definition in this Section 9.1.

"TEMPORARY RESIDENT OR NONRESIDENT" means a person who resides in Martin County for less than six (6) 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 cats, usually congregated together in colonies, are is humanely trapped, spayed or neutered, vaccinated against rabies and feline distemper, ear-tipped, micro-chipped implanted with an microchip and ear-tipped or otherwise marked for identification, and then returned to field, the same place where they were captured.

"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 non-spayed or non-neutered 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.

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

SUBPART B: Section 9.62, General Ordinances Martin County Code is hereby amended to read as follows:

Sec. 9.62. – Issuance of animal license/identification tags and vaccination certificates.

9.62.A. All owners of dogs and cats, other than Community Cats meeting

the definition in Section 9.1 of this Chapter, in Martin County shall obtain a Martin County license/identification tag for each dog and cat they own, keep, harbor, maintain, or have in custody, in accordance with the latest date referred to in the following timetable:

1. When the dog or cat reaches the age of three months; or
2. Within 30 calendar days of acquiring the dog or cat; or
3. Within 30 calendar days of entering Martin County. License/identification

tags must be securely fastened about the animal's neck by a collar or other device allowing the tags to be clearly visible at all times. Failure by an owner to ensure that a required tag remains fastened or, in the alternative, that a cat is properly micro-chipped in accordance with the provisions of subsection 9.62.B will result in the animal being labeled as a stray and the owner being in violation of section 9.90 of this chapter, which may result in the issuance of a citation and impoundment of such animal. Dogs and ~~easts~~ cats other than community cats meeting the definition of Section 9.1 of this chapter housed in a secure enclosure may be exempt from wearing the required tag while kept in the enclosure, provided the tag is securely fastened to a collar/harness and that device is attached to the enclosure housing the dog or cat. The above licensing requirements do not apply to community cats meeting the definition of Section 9.1 of this chapter.

9.62.B. As an alternative to purchasing a Martin County license/identification tag, dog and cat owners may elect to micro-chip their dog or cat by a licensed veterinarian at the sole expense of the owner, provided the micro-chip is registered in the name of the owner with a national data base approved by the Division, meets any and all

standards established by the Division and the micro-chip registration number is provided by the owner to the Division. License and micro-chip registration must be renewed annually as described in subsection 9.62.D.

9.62.C. Licensed veterinarians shall issue a vaccination certificate pursuant to subsection 9.61.B of this article and, if applicable, a sterilization certificate, to each owner for each animal vaccinated and sterilized. Such a certificate must accompany each application for a Martin County license/identification tag unless the veterinarian issues the license/identification tag on the Division's behalf, in which case only the rabies certificate must be submitted to the Division. The Division may rely upon such certificates in order to ensure that persons who have obtained such certificate also obtain a license/identification tag.

9.62.D. Each license/identification tag or Division micro-chip registration is valid for one year from the date of issuance or date of the rabies vaccination, whichever is earlier, and must be renewed before or at the expiration of such period of time. Any owner who fails to renew a required tag or micro-chip within the designated period shall at a minimum pay a late fee, as established by resolution of the board.

9.62.E. Owners of dogs and cats shall purchase such license/identification tags directly from participating veterinarian's office; ~~the Martin County Animal Care and Control Division office; the~~ County's designated impoundment facility ~~Humane Society of the Treasure Coast, Inc.;~~ or at any branch office of the Martin County Tax Collector. The fees required for license/identification tags are established by resolution of the Board. Required fees are based upon whether a dog or cat is micro-chipped, unsterilized or sterilized, and whether a dog is classified as "dangerous" under the provisions of this chapter and state law.

9.62.F. Every licensed veterinarian, acting on behalf of himself/herself or a veterinary hospital or other facility with which he/she is associated, may participate in the licensing/identification program, either by issuing a license/identification tag with each rabies certificate issued or by issuing a license/identification tag for an animal upon determining that the animal has been vaccinated elsewhere, but is not currently licensed in Martin County. The County Division shall pay veterinarians and the County's Designated Impoundment Facility ~~Humane Society of the Treasure Coast, Inc.,~~ respectively, the sum to be determined by resolution of the board for each license/identification tag sold by these parties.

9.62.G. Any person who ~~that~~ owns, harbors or maintains five or more dogs, cats, or any combination thereof shall license all such animals at the same time; provided however, upon submission to the Division of a written plan specifying in detail the steps the owner will take with respect to the animals in the event of a man-made or natural disaster, payment shall be waived for all animals over and above the first five animals; and provided further that any unsterilized animals shall be among the five animals for which licenses are obtained and paid. The written plan will enable the Division to be better prepared in the event of any man-made or natural disaster.

9.62.H. The licensing provisions of this chapter shall not apply to:

1. Any owner who is a nonresident or temporary resident, as defined in this chapter, provided that the owner's cat(s) and/or dog(s) has been vaccinated for rabies in some other jurisdiction, which vaccination remains valid under the laws of Martin County for the duration of the anticipated stay within this County (although all other requirements, including restraint obligations, shall apply); or

2. The ownership, care, custody, or maintenance, in the ordinary course of business, of any cat or dog by a research or veterinary medical facility, government-operated or authorized animal shelter, private nonprofit organization as defined in Section 9.1 of this Chapter~~humane society facility, Society for the Prevention of Cruelty to Animals (SPCA), or~~ commercial pet shop, provided that such shelter, facility or shop is operating in accordance with all applicable occupational licensing and zoning requirements, and all applicable state and federal regulations.
3. Community cats meeting the definition of Section 9.1 of this Chapter.

9.62.I. No license/identification tag may be transferable from one cat or dog to another, or from one owner to another. Upon transfer of a previously licensed cat or dog to a new owner, such owner shall have a period of 30 calendar days within which to comply with the requirements of this chapter.

~~9.62.J. Proceeds accruing to the County from the sale of cat or dog license/identification tags shall be turned over to the Clerk of the Circuit Court to be placed in a fund designated as the "Animal Act Fund." The proceeds shall be used to pay Division expenses. Any excess at the end of the fiscal shall be placed in the General Fund.~~

SUBPART C: Section 9.90, General Ordinances Martin County Code is hereby amended to read as follows:

Sec. 9.90. ANIMAL RESTRAINT LAW

9.90.A. It shall be presumed to be unlawful for the owner of any animal to permit his/or her animal to be off the owner's property unless the animal is under restraint or control of a competent person by means of a chain, leash, or other similar device, or is in a secure cage or other secure enclosure. This provision shall not apply to working dogs and

hunting dogs that are working or hunting on property that is zoned for agricultural use or otherwise authorized for hunting use by state law, are under their handlers' direct and immediate voice control, and are responsive to their handlers' commands.

9.90.B. No animal shall be allowed on any County owned athletic field and/or facility.

9.90.C. No animals, with the exception of service or law enforcement animals, shall be allowed at County owned parks, athletic fields and/or facilities during any County sponsored activity or function unless such activity or function necessarily involves animals and is specifically permitted by the County Parks and Recreation Department.

~~9.90.D. Exemption for a County Authorized Trap-Neuter-Return Program (TNR). The provisions of section 9.90 shall not apply to the trial TNR program authorized herein by the County for trapping, spaying or neutering, and returning free-roaming cats to the place where they were captured. The TNR program will be operated on a trial basis under the supervision and responsibility of the Humane Society of the Treasure Coast, Inc., and Caring Fields Felines, Inc. The TNR program authorized pursuant to this section:~~

- ~~1. May be conducted only by the County authorized organizations through December 21, 2017.~~
- ~~2. Shall be operated with the specific goals of lowering the County's animal control costs, reducing nuisance complaints by residents, alleviating public health concerns related to feral and stray cats, lessening predation or wildlife by free-roaming cats, reducing the number of births and reducing euthanasia of feral and stray cats.~~
- ~~3. Will be conducted in cooperation with the County's Animal Control Division.~~

~~The County authorized organizations will:~~

- ~~a. Identify known colonies by providing the Division with information regarding the location and estimated size of each colony.~~
- ~~b. Train and oversee caretakers who will provide food, water, and necessary veterinary care and make all reasonable efforts to trap, neuter, vaccinate, micro-chip or ear tip, and return all healthy cats to the colonies from which they were trapped.~~
- ~~c. Make all reasonable efforts to remove adoptable cats and kittens from the colonies and seek permanent homes for adoptable animals.~~
- ~~d. Communicate to the Division and notify caretakers of any nuisance complaints received from residents regarding free-roaming cat colonies and work with the Division and the complainant to resolve any such complaints as effectively and efficiently as possible.~~
- ~~e. Maintain information and statistics related to sterilization, vaccination and identification of free-roaming cats and the operation of the TNR program and submit to the County biannual reports reflecting estimated free-roaming cat populations at the time of each report and the level of success achieved with respect to each of the goals and purposes of the TNR program.~~

9.90D. The Board establishes the following Trap Neuter Vaccinate and Release program requirements:

- a. All community cats must be cared for on the private property owned by the caregiver or on property owned by another with written permission

of the property owner, including any city, state, or federal government agency. No community cat(s) shall be released or cared for at any government-owned land including but not limited to a managed park, natural area, environmentally sensitive land or on any easement adjacent to such lands without approval from the applicable government entity. Properties with community cats shall maintain a minimum buffer distance of 250 feet from schools, public parks and playgrounds and a minimum buffer distance of 750 feet from environmentally sensitive lands, conservation lands, or property subject to a preserved area management plan. This requirement may be waived if specific written waiver by the property owner of such schools, public parks and playgrounds or conservation land is given to the community cat caregiver.

b. A free community cat caregiver certification program may be developed to educate interested persons about community cats, the importance of a veterinary provider, common disease(s) and proper care, good management practices, and maintenance of community cats.

c. All community cats must be treated for fleas and ticks, sterilized, vaccinated against rabies and feline distemper, implanted with a microchip, and ear-tipped for easy identification. Upon meeting these requirements, a community cat shall be exempt from licensing, stray, at-large and other provisions of this ordinance, including the provisions

of Sec. 9.34 and provisions which apply to owned animals, including Sec. 9.62 of this chapter.

d. All community cat caregivers must provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed.

(i) If medical care is unavailable or too expensive, the community caregiver must not allow a sick or injured cat to suffer.

(ii) Food must be provided in the proper quantity for the number of cats being managed and must be supplied no less than once per day. Food must be maintained in proper feeding containers. Dumping in the ground or dispensing food in quantities in excess of the amount that will be immediately eaten by the community cats on the property is prohibited. Feeding areas must be maintained in a clean and sanitary condition.

(iii) Water must be clean, potable, and free from debris and algae.

(iv) If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the number of cat(s) to be sheltered.

e. Community cat caregivers shall make any and all reasonable efforts to remove young kittens from the field for domestication.

f. The Division has the right to remove or authorize removal of any free-roaming or community cat because of immediate public health or safety concerns.

3. Healthy community cats that have been impounded by the Division or otherwise taken to the Designated Impoundment Facility shall be first evaluated for current vaccinations, and shall be revaccinated for rabies and feline distemper if needed and then may be returned to field, released to a community caregiver or adopted. Whenever an impounded cat is visibly injured or diseased and appears to be suffering to the extent that such cat cannot be expeditiously cured and returned to field, transferred to a private shelter or sanctuary, or placed in foster care, the cat may be humanely euthanized in accordance with applicable laws.

4. Any community cat caregiver who violates the requirements of this section will no longer qualify for the exceptions provided herein and may be cited by the Division for violation of Section 9.63.A, 9.63.C, 9.63.D, and 9.63.E. of this chapter.

PART TWO: CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, and Martin County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent such conflict except for ordinances concerning either adoption or amendment of the Martin County comprehensive plan pursuant to Chapter 163, Part II, Florida Statutes, or land development regulations relating specifically to community redevelopment areas established pursuant to Chapter 163, Part III, Florida Statutes.

PART THREE: SEVERABILITY.

If any portion of this ordinance is for any reason held 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.

PART FOUR: APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout Martin County's jurisdiction.

PART FIVE: FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed to send a certified copy of this ordinance to the Bureau of Administrative Code, Department of State, R.A. Gray Building, Room 101, 500 South Bronough Street, Tallahassee, Florida 32399-0250.



PART SIX: EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State or on X, 2017, whichever is later.

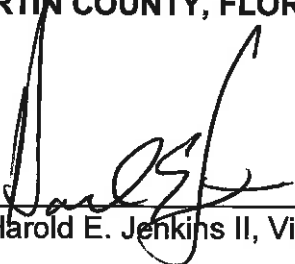
PART SEVEN: CODIFICATION.

Provisions of this ordinance shall be incorporated in the Martin County Code, and the word "ordinance" may be changed to "section", "article" or other appropriate word, and the seconds of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts TWO through SEVEN shall not be codified.

PASSED AND DULY ADOPTED this 28TH day of November, 2017.

 ATTEST:

Carolyn Timmann, Clerk of the
Circuit Court and Comptroller

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

By: 
Harold E. Jenkins II, Vice Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Sarah W. Woods, County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 5, 2017

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1041, which was filed in this office on December 5, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Martin County Board of County Commissioners will conduct a public hearing on November 28, 2017, to consider adoption of an ordinance amending Chapter 9 General Ordinances, Martin County Code relating to Animal Care and Control specifically regarding Trap Neuter Vaccinate and Release (TNVR) Program. The hearing will be conducted at 9:00 a.m., or as soon thereafter as the item may be heard.

The title of the proposed ordinance is:

AN ORDINANCE AMENDING CHAPTER 9 GENERAL ORDINANCES, MARTIN COUNTY CODE RELATING TO ANIMAL CARE AND CONTROL, AMENDING SECTION 9.1 DEFINITIONS, SECTION 9.62 ISSUANCE OF ANIMAL LICENSE/ IDENTIFICATION TAGS AND VACCINATION CERTIFICATES AND SECTION 9.90 ANIMAL RESTRAINT LAW, REGARDING TRAP NEUTER VACCINATE AND RELEASE (TNVR) PROGRAM; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE AND CODIFICATION.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers at the Martin County Administrative Center, 1st Floor, 2401 S.E. Monterey Road, Stuart, Florida. Written comments can be mailed to Sarah Woods, County Attorney, 2401 SE Monterey Rd., Stuart, FL 34996. Copies of the item will be available from the County Attorney's Office. For more information contact Sarah Woods at (772) 288-5446.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 221-1396 or the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. Persons using a TDD device, please call 711 for Florida Relay Services.

If any person decides to appeal any decisions made with respect to any matter considered at the meetings or hearings of any board, committee, commission, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

November 17, 2017

TCN-1824185