

Chapter 10 - ANIMALS

FOOTNOTE(S):

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Cross reference— Environment, ch. 30. [\(Back\)](#)

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; cruelty to animals generally; cruelty to animals prohibited, F.S. § 828.12; exposing poison, F.S. § 828.08. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 10-1. - Abandoning.

No person shall desert or abandon any dog, cat or other domestic animal.

(Code 1979, § 5-3)

Sec. 10-2. - Disposing of unwanted pets.

When any person desires to dispose of any pet, he shall communicate with the police department or humane society. Thereupon the police department or humane society shall find a home for such pet, if possible, or, in the case of the police department, see that, it is turned over to the humane society for disposal.

(Code 1979, § 5-4)

Sec. 10-3. - Disposition of dead animals.

No person shall place any dead animal upon his premises or upon the premises of any other person. No person shall allow any dead animal to remain upon his premises, or any dead animal belonging to him to remain upon the premises of another without disposing of such dead animal or causing such dead animal to be properly removed or disposed of within 24 hours.

(Code 1979, § 5-5)

Cross reference— Solid waste, ch. 74.

Sec. 10-4. - Prohibited in food establishments.

Except as otherwise provided by law, no animal or fowl shall be kept or allowed in any establishment or room in which food or drinks are prepared, stored or served for human consumption.

(Code 1979, § 5-6)

Cross reference— Businesses, ch. 18.

State law reference— Rights of physically disabled persons to be accompanied by certain animals, F.S. § 413.08.

Sec. 10-5. - Animals with communicable diseases.

Any animal in the city, which is infected with a communicable disease, and which is exposed to contact with children or other animals, shall be confined and isolated or surrendered to the humane officer.

(Code 1979, § 5-7)

State law reference— Animals with contagious diseases, F.S. § 828.16.

Sec. 10-6. - Offensive pets.

No dog or other pet shall be allowed to be offensive, infected with disease or otherwise become a nuisance, danger or threat to the health and safety of the inhabitants of the city.

(Code 1979, § 5-8)

Sec. 10-7. - Keeping other than dogs and cats in residential districts.

- (a) It shall be unlawful for any person to keep, maintain or permit to be kept, or maintained, in any pen, cage, shed or other building other than the main residential building, any animal or fowl as enumerated in subsection (b) of this section, in any district of the city that may now or hereafter be zoned as a residential district; however, this prohibition shall not apply to dogs and cats.
- (b) The animals and fowl described in subsection (a) of this section shall include any animal which, by its nature, is wild, and untamed, but lives in captivity, or any domesticated animal or fowl, which term shall include any equine or bovine animal, goat, sheep, swine, poultry, bird, reptile, rodents, or other domesticated beast, dogs and cats excepted.

(Code 1979, § 5-9)

Secs. 10-8—10-30. - Reserved.

ARTICLE II. - DOGS AND CATS

FOOTNOTE(S):

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Editor's note— Ord. No. 2009-0880, § 2, adopted Feb. 10, 2009, repealed the former Art. II, §§ 10-31—10-41, and enacted a new Art. II as set out herein. The former Art. II pertained to dogs and cats and derived from the Code of 1979, §§ 5-21—5-31.

Sec. 10-31. - Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

Animal shall mean every living nonhuman creature.

At large shall mean not on the owner's property, and not under restraint or the direct control, custody, charge or possession of the owner, or other responsible person. "Direct control" shall mean immediate, continuous physical control of an animal at all times, such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal.

City shall mean the City of Lighthouse Point.

Control shall mean the regulation of the possession, ownership, care and custody of animals.

County shall mean Broward County.

Cruelty shall mean every act, omission or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue when there is reasonable remedy or relief.

Dangerous dog shall mean any dog that according to the records of the city or any other animal control or law enforcement authority:

- (1) Has, when unprovoked, approached any person in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any public grounds or places, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by an officer; or
- (2) Has killed or caused the death of an animal that is owned or kept by a person or persons, or severely injured an animal that is owned or kept by persons or persons, while off the owner's or keeper's property and while unprovoked;
- (3) Has aggressively bitten, attacked, endangered, killed, or inflicted severe injury on a human being on public or private property; or
- (4) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.

Harboring shall mean the act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of at least 48 hours. Harboring shall not include circumstances where an individual captures, locates and attempts to find the animal's owner in good faith.

Officer shall mean any law enforcement officer as defined in F.S. § 943.10, Florida Statutes, code enforcement officer, or any animal control officer.

Owner shall mean any person, firm, association or corporation who owns, keeps, harbors or controls an animal. If the owner is a minor as defined by statute, the minor's parent(s) or legal guardian shall be the owner for purposes of this chapter.

Severe injury shall mean any physical injury to a human being or animal that results in broken bones or lacerations requiring sutures or reconstructive surgery, or as further defined in F.S. § 767.11, as may be amended from time to time.

Unprovoked shall mean 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 a dog.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-32. - Dogs at large prohibited.

- (a) It shall be a violation of this section for any person to permit any dog to be at large as defined herein.
- (b) No dog shall be allowed to stray, run or go at large upon any public property or street, sidewalk, park, or on the private property of another without the consent of the property owner.
- (c) Any person confining or leashing a dog must do so in a manner that is not injurious to the dog's health. Restraining a dog to a stake, tree, or other object, while unattended, shall be presumed injurious to a dog.
- (d) In order for a dog to be allowed on a public street, the dog shall be under the direct control of the owner or keeper. In order for a dog to be allowed in a park or other public property, it must be permitted by the city for a specific event and the dog shall be under the direct control of the owner or keeper. Sufficient precautions must be taken by the owner of the dog and/or sponsor of the event to ensure the safety and protection of both the public and other animals.
- (e) Any dog at large that has attacked or bitten any person or animal in an unprovoked attack shall be in violation of this section.

- (f) Any dog found by an officer to be at large may be seized and impounded and, as an alternative or in addition to impoundment, the officer finding said dog at large may issue a notice of violation as provided in section 10-42

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-33. - Permitting animal to commit a nuisance.

- (a) It shall be a violation of this section for any person who owns or harbors any animal to permit said animal to defecate upon: the sidewalk or public street, any public park or municipal property, any private property not belonging to the owner of the animal, or any swale or street right-of-way, unless said person makes an immediate effort to remove any feces deposited by the animal.
- (b) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or harms a member of the general public, or damages the property of others.
- (c) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance:
 - (1) Allowing or permitting any animal to habitually bark, whine, howl, crow, cackle or other loud and continual noise resulting in an annoyance or interference to neighboring residents sleep or peace of mind shall be deemed to be committing an act in violation of this section.
 - (2) Allowing or permitting an animal to damage the property of anyone other than its owner on more than one occasion, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or other plant material.
 - (3) Maintaining an animal with a medical condition that could lead to a widespread epidemic that would ultimately be dangerous to the public health, unless the animal is kept in a manner that minimizes the public health threat and is undergoing treatment for the disease in accordance with locally accepted veterinary standards.
 - (4) Maintaining an animal or animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare, or safety.
- (d) No person shall possess and maintain upon any residential property more than eight dogs or cats, or any combination thereof greater than eight, or any number of cats or dogs if the total of such animals possessed and maintained by all persons residing in the same dwelling unit would exceed eight, with the exception of a litter of pups or kittens, or portion of a litter, which may be kept for a period of time not to exceed six months. The city administrator may permit a greater number for up to 12 months based upon hardship, provided that all other requirements of this article are in compliance and there is no adverse affect on neighbors and the owner of the animals agrees that in the event the city receives complaints he or she shall resolve the issues to the satisfaction of the neighbors or the approval by the city administrator shall terminate and the property owner must immediately comply with the limitations of this subsection. If the owner is dissatisfied with the decision of the city administrator, he or she may petition the city commission for relief.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-34. - Licensing of dogs and cats.

Any person who owns or keeps in the city a dog or cat two months of age or older shall have such dog or cat licensed by the county.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-35. - Dangerous dogs.

- (a) For purposes of this section, the following term shall have the meaning indicated: Enclosure shall mean that the dog is securely confined indoors or within a structure suitable to prevent the entry of

young children and to confine a dangerous dog. Such enclosure shall be, approved by the city, and have secure sides, top and bottom, and shall be designed to prevent the animal from escaping over, under, or through the structure, shall be kept locked, and shall also provide protection from the elements. An enclosure shall not be visible from the public right-of-way or from an adjacent property. Additionally, an enclosure or structure housing a dangerous dog shall be provided with a secondary containment area approved by the city.

- (b) In the event that an incident involving any dog that may be dangerous is reported, the police department shall conduct an investigation, which shall consist of an interview of the owner, if possible, and a sworn affidavit from any person, including the investigating officer, desiring to have a dog classified as dangerous. If it is determined after such investigation that sufficient cause exists to classify the dog as dangerous, as defined in section 10-31, the dog shall be initially classified as a dangerous dog and the owner of the dog shall be promptly notified in writing of such initial classification by registered mail, certified hand delivery, or service of process in conformance with F.S. § ch. 48.
- (c) If a dog is initially classified as dangerous and the owner does not contest such initial classification, the owner shall comply with the provisions of this section within 14 calendar days of notification of the classification.

If the owner contests the initial classification, he or she shall, within seven calendar days of receipt of the notice of such initial classification, file a written request with the city clerk for a hearing to appeal the initial classification and confine the dog in a securely fenced or enclosed area pending a resolution of the appeal. The owner shall submit a cashier's check, payable to the city, in the amount of the hearing fee at the time the request for a hearing is made.

The hearing shall be conducted in accordance with the procedures set forth in section 10-36. If the city has not impounded the dog, the owner shall provide the address where the dog is confined to the city. No owner shall relocate or transfer ownership of a dog that is the subject of a dangerous dog investigation pending the outcome of the investigation or any hearings or appeals related to the determination of a dangerous dog classification. In the event that a dog is determined as a dangerous dog, the owner shall not relocate the dog or transfer ownership of the dog, within the city.

- (d) In the event that any officer has sufficient cause to believe that a dog is dangerous and that the owner is unable or unwilling to securely confine the animal, the officer may impound the dog pending the investigation if deemed necessary to protect the public. If the dog is subsequently classified dangerous, it shall remain impounded until the owner provides for its secure confinement in accordance with this section. The city may place the dog in a location outside the city and prohibit the dog from the city at anytime in the future if the owner does not make such provisions within 14 days of the latter of:
 - (1) The initial classification of dangerousness;
 - (2) The determination of dangerousness by the hearing officer; or
 - (3) The conclusion of any appeal which is decided adversely to the owner.

The owner shall be responsible for boarding fees, veterinary and other costs incurred by the city to maintain the dog during such impoundment unless the owner prevails at the conclusion of all legal proceedings.

- (e) Notwithstanding the definition of " dangerous dog" as provided in this chapter, no dog may be classified dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or, if lawfully on the property, was teasing, tormenting, abusing or assaulting the dog or its owner or a family member, or was committing or attempting to commit a crime. No dog may be classified dangerous if an injury or damage was sustained by an animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the

dog. No dog may be classified dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

- (f) No person shall own or keep a dangerous dog without registering the dangerous dog with the city, and county pursuant to its ordinance and obtaining a dangerous dog license tag from the city and county pursuant to its ordinance within 14 calendar days of either the classification of dangerousness by the city; or, in the event an appeal of such classification is taken, the upholding of the classification by a hearing officer or a court of competent jurisdiction. Notwithstanding subsection 10-33(d), if a person decides to retain a dog classified as dangerous under this chapter, no other dogs or cats may be possessed and maintained on the property. No dog declared dangerous in another jurisdiction may be brought into the city. The procedures and requirements for registering the dangerous dog are as follows:
- (1) The owner or keeper shall complete a dangerous dog registration form for the dog so classified and pay a one-time dangerous dog registration fee.
 - (2) A dangerous dog license tag shall be obtained at the fee set by the city. The dangerous dog license tag must be renewed annually. Failure to renew the dangerous dog license tag within 30 calendar days from the expiration of the previous tag will result in the issuance of a notice of violation and will subject the owner or keeper, and/or property owner to fines for non-compliance of this article. In the event a current dangerous dog license tag is lost, destroyed, or misplaced or otherwise missing, a replacement dangerous dog license tag must be obtained at the fee set by the city.
 - (3) Any additional fees and costs incurred by the owner as a result of registering the dog with the county as required herein shall be the responsibility of the owner.
 - (4) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous dog on the premises. Said sign shall be visible and capable of being read from the public highway or street.
 - (5) Every owner of a dangerous dog shall, at all times that he or she owns the dog, maintain and provide a copy of an insurance policy to the city, specifically identifying the dog as covered by the policy, in the amount of no less than \$100,000.00 issued by an insurer authorized to do business within the State of Florida, payable to any person injured in malice by the dangerous dog. Proof of financial responsibility shall be a condition precedent to the city approving the dog's registration. Financial responsibility shall be evidenced by filing with the police department a certificate of insurance from an insurance company authorized to do business in the state, valid for the one-year registration period. The city will be a certificate holder such that the city will be notified if the insurance coverages expire or terminate.

As an alternative to maintaining the insurance otherwise required, proof of financial responsibility may also be evidenced by establishing a security escrow where the city holds securities (and stock or other powers appropriate to liquidate such securities) as an escrow agent. The value of the escrow of cash and securities shall at all times be maintained in the minimum amount of \$100,000.00. In the event at any time the escrow is reduced as provided herein, it shall be a requirement that the value of the escrow be restored to its required minimum amount. In the event there is no violation of this article and there is no police report during the registration period for which the escrow is maintained that the dog bit or injured a human or animal, then the escrow shall be continued to be maintained. In the event of a police report that a dog for which the escrow is maintained bit a human or injured an animal, the city shall notify the victim (or parent, guardian, or owner of the victim if the victim is a minor or animal) and may use the cash or liquidate the securities and use the net proceeds thereof to reimburse the human (or parents or legal guardian of the human if the injured human is a minor) for any unpaid hospital or medical or rehabilitation treatment, or for any veterinary care or treatment provided to the animal. In the event of a violation of this article the city may use the amount in escrow to pay for any enforcement action the city may take, including but not limited to seeking an order requiring the dog involved to be placed by the city in a location outside the city and prohibited from the city at anytime in the future. This paragraph shall be supplemental

to other methods of enforcing the city's laws that are available to the city. The registrant shall reimburse the city for any legal costs incurred by the city in establishing, monitoring, or performing the escrow. Finally, in the event of a cash escrow, the city may commingle the funds with other city funds, may keep any investment return thereon, will only be required to account for the principal thereof, and only the principal thereof will be used to determine the minimum amount of such escrow for maintenance purposes.

- (6) The owner or keeper shall comply with section 10-34 of this chapter. A dangerous dog is required to wear the dangerous dog license tag.
- (7) The owner or keeper shall, on or before the effective date of such registration for which application is being made, have an enclosure for the dangerous dog on the property where the dangerous dog will be kept or maintained.
- (8) The owner or keeper shall at his or her own expense have the dangerous dog implanted with a city-approved electronic animal identification device (microchip) and provide the city with the microchip manufacturer and number.
- (g) The owner or keeper of a dangerous dog shall:
 - (1) At all times ensure that the dog is securely confined indoors, or confined in an enclosure as defined herein. At any time that a dangerous dog is not so confined, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person or animal, and kept on a leash with the owner or custodian in attendance except for while the dog is being transported within the cab or passenger portion of any motor vehicle, provided said vehicle has a roof, and the dog cannot escape through an open window.
 - (2) Notify the city immediately if a dangerous dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the dangerous dog has been sold or given away, the owner or keeper shall also provide to the city the name, address and telephone number of the new owner of the dangerous dog.
- (h) Any dangerous dog without a valid dangerous dog license tag as required in this section, or which is not maintained on property with an enclosure, or which shall be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in subsection (g)(1), shall be impounded by an officer, placed in quarantine, if necessary, for the proper length of time, or impounded and placed by the city in a location outside the city and prohibited from the city at anytime in the future, after the expiration of 14 calendar days from the date written notice is provided to the owner that such dog has been confiscated. Notice shall be effected by registered mail, certified hand delivery, or service of process in conformance with F.S. ch. 48. The 14-day time period shall allow the owner or keeper to request a hearing under section 10-36. In the event a dangerous dog is impounded, the owner shall pay a dangerous dog impound fee.
- (i) If any dog previously classified as dangerous, when unprovoked, attacks and causes severe injury to or the death of a human being, or causes the death of an animal, while unprovoked and while off the owner's or keeper's property, an officer shall immediately confiscate and impound the dog and, after written notice to the owner and expiration of ten calendar days from the date the owner receives the notice, turn over such dangerous dog to an animal shelter.
- (j) In the event that the owner or keeper of a dangerous dog is a minor, the parent or guardian of such minor shall be responsible for complying with the provisions of this section. No dangerous dog license shall be issued to any person under the age of 18 years.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-36. - Hearings.

- (a) *Hearing officer.* The hearing officer shall be the city's code enforcement special magistrate.
- (b) *Notice of hearing.* Upon receipt of a timely, written request for hearing, the city shall schedule a hearing to be held as soon as possible and shall provide the owner of the dog initially classified as

dangerous pursuant to section [10-35], or the owner of a dog confiscated pursuant to sections 10-35, with no less than five calendar days written notice of the time, date, and place of the hearing, which shall be held not more than 21 calendar days from the date the city receives the owner's request. The notice of hearing shall be sent to the owner by certified mail return receipt requested.

- (c) *Hearing procedures.* The hearings shall be conducted using the same procedures as code enforcement hearings under F.S. ch. 162, and chapter 2 of this Code.
- (d) *Written determinations of the hearing officer.* All determinations of the hearing officer shall be in writing, signed and dated by the hearing officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified hand delivery, or service in conformance with F.S. ch. 48. If the hearing officer upholds the initial classification of dangerousness, the owner shall comply with the provisions of section 10-35 within 14 calendar days of the hearing officer's determination; or in the event of any appeal of said determination to a court of competent jurisdiction, within 14 calendar days of a decision adverse to the owner. Any owner may file a written request for a hearing in the county court to appeal the determination of the hearing officer within ten business days of receipt of the determination.
- (e) *Payment of hearing officer.* The cost of the hearing officer shall be the responsibility of the losing party. In the event that the city is the prevailing party, it shall be entitled to collect the costs of the hearing officer from the losing party. If more than one item is in dispute, and if there are mixed results, a party shall only be responsible for the cost of the hearing officer's time that was applied to the losing item or items, which percentage of time shall be determined by the hearing officer.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-37. - Reporting bites from animals.

Any owner of an animal that bites a person or another animal shall report such bite to the police department.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-38. - Cruelty to animals.

Any person who beats, cruelly ill-treats, torments, overloads, overworks or otherwise abuses an animal or intentionally causes such animal to be mutilated or inhumanely killed, or causes the same to be done, or otherwise treats an animal in a cruel or inhumane manner, shall be deemed to be in violation of this section.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-39. - Harboring of stray animals.

It shall be a violation of this section for any person to harbor any stray animal unless he or she has notified the city within 48 hours of the presence of the stray animal. Upon receiving such notification, the city may take such animal. Refusal to surrender any such stray animal upon request of the city shall be deemed an additional violation of this section.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-40. - Dogs and cats prohibited in parks.

No person owning or having charge, care, custody or control of any dog or cat shall permit or allow the dog or cat into or upon any public park in the city; however, this section shall not apply to events in which dogs or cats are specifically authorized by the city.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-41. - Insurance requirements for dogs at non-owner occupied dwellings.

- (a) For non-owner occupied dwelling units where dogs reside, the property owners of such units shall be required to maintain an insurance policy with liability limits of no less than \$100,000.00 which does not exclude dogs.
- (b) Upon the request of a city police officer, or code enforcement officer, a property owner shall provide proof of compliance with this section not more than ten days after the request.
- (c) For purposes of this section, "owner" in regards to "non-owner occupied dwelling" shall mean one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, as evidenced by the public records of the county.
- (d) The following are exempt from this section:
 - (1) Where the dog is less than 45 pounds;
 - (2) Condominium associations and co-operatives whose governing documents prohibit dogs, or provide for liability protection either by the governing association or requirements on unit owners;
 - (3) Where a waiver from this requirement is granted by the city administrator upon written request of the unit owner based upon hardship. If the unit owner is dissatisfied with the decision of the city administrator, he or she may petition the city commission for relief.

(Ord. No. 2009-0880, § 2, 2-10-2009)

Sec. 10-42. - Enforcement of violations.

All violations of this chapter shall be enforced using this Code enforcement processes set forth in F.S. ch. 162 and chapter 2, article VII, division 2 of this Code, except as to "dangerous dogs," where the process shall be governed by this chapter, and F.S. ch. 767. Nothing herein shall preclude the city from enforcing the provisions of this chapter through any other legal means.

(Ord. No. 2009-0880, § 2, 2-10-2009)