



## Agenda Item Summary

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**File ID:** 19-0481

**PH-2**

**Meeting Date:** 6/4/2019

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**PLACEMENT:** Public Hearings

**TITLE:**

**PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9, ANIMALS, GENERAL ORDINANCES, MARTIN COUNTY CODE**

**EXECUTIVE SUMMARY:**

The Animal Care and Control Oversight Board (ACCOB) began its review of amendments to Chapter 9, Animals, General Ordinances, Martin County Code on May 18, 2017. After multiple reviews including the consideration of public comment, the ACCOB on January 12, 2019, unanimously recommended that the Board of County Commissioners adopt the proposed ordinance.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** George M. Stokus  
**Title:** Assistant County Administrator

**REQUESTED BY:**

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

None

**ISSUES:**

The revisions to the attached draft ordinance included the following:

- Amending Section 9.1. Definitions to meet existing conditions and to achieve consistency with Florida State Statutes
- Changing the name Animal Care and Control Officer to Animal Services Officer
- Requiring an animal be of at least six (6) months of age for the issuance of an animal license and to meet the new rabies vaccination requirements
- Providing stricter requirements for transporting animals on public roadways
- Strengthening the process for the determination of a "Dangerous Dog"

**LEGAL SUFFICIENCY REVIEW:**

This is a legislative matter. Legislative decisions are those in which the local government formulates

policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to the fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the ordinance amending Chapter 9, Animals, General Ordinances, Martin County Code.

**ALTERNATIVE RECOMMENDATIONS**

Direct changes to the proposed ordinance and adopt the revised ordinance.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total	0	

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment
- ☐ Chair Letter
- ☐ Contract / Agreement
- ☐ Grant / Application
- ☐ Notice
- ☒ Ordinance
- ☐ Resolution
- ☐ Other:

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