

Sec. 3-2. - Definitions.

As used in this section, the term:

Animal means any living dumb creature;

Citation means a written notice, issued to a person by an code inspector, that the code inspector has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance, for which the city through a special magistrate shall hear the charge pursuant to chapter 11 of the City Code.

Code inspector means the code compliance officers or any authorized agent or employee of the city whose duty it is to ensure code compliance, as provided for chapter 11 of the Code; and

Control means the regulation of the possession, ownership, care, and custody of animals;

Cruelty means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal;

(Ord. No. 2014-21, § 2, 6-11-2014)

Sec. 3-3. - Acts deemed cruelty to animals unlawful.

It shall be unlawful to commit any act that constitutes cruelty to animals. Pursuant to F.S. ch. 828, and chapter 5, Miami-Dade County Code of Ordinance, the following acts shall be deemed cruelty to animals:

- (1) To torture, torment, mutilate, kill, or unnecessarily overdrive any animal or to cause the same to be done;
- (2) To engage in animal fighting, including, without limitation, dog fighting or cock fighting. For purposes of this section, to be engaged in animal fighting means to instigate, promote, assist, hold, manage, stage, conduct, be employed in connection with, be present for the preparation of, provide an animal for, allow one's own real or personal property to be used for, gamble on, be a spectator at, or profit from an exhibition, contest, or event featuring the fighting of an animal with another animal during which an animal may be injured, maimed, or killed. The practice of "trunking," in which two animals are locked in the trunk of a car and induced to fight in the confined space, shall be deemed animal fighting;
- (3) To intentionally commit an act to any animal which results in the cruel death of the animal, or the excessive or repeated infliction of unnecessary pain or suffering to the animal, or to cause the same to be done;
- (4) To deprive an animal of necessary sustenance, whether by neglect or refusal. For purposes of this section, "necessary sustenance" means: food and water that is of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian; food and water that is free of contaminants and vermin and insect infestation; and proper medical attention for any illness, injury, infection, skin disorder, and internal parasite. Feeding a cow on feed that produces impure or unwholesome milk shall be deemed to be a violation of this section;
- (5) To leave or deposit any poison or any substance containing poison in any yard or enclosure that contains or is known to regularly contain any animal, the result of which is the full or partial consumption of the poison or substance containing poison by an animal therein and the injury, incapacity, or death of same;
- (6) To deprive an animal of dry ground and shelter from extreme weather, including, but not limited to, extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;

- (7) To restrain an animal outdoors by tethering an animal to any object or structure, including, but not limited to, a house, tree, fence, post, garage, or shed, by any means, including, but not limited to, chain, rope, cord, leash, or running lines, unless: the animal is in visual range of the responsible party and the responsible party is located outside with the animal; the means of restraint avoids strangulating, injuring, and/or entangling the animal during movement and is of such length as to be no less than five times the length of the animal; the animal has access to water, shelter, and dry ground; the animal is not injured or sick; and the animal is older than six months. Multiple animals must be individually restrained in compliance with the foregoing. The foregoing does not apply to leashes used for the purposes of walking or exercising animals. The foregoing shall not be construed to be less restrictive than section 5-21 of the Miami-Dade County Code, with regard to the tethering of dogs, but instead more restrictive as it applies to all animals. Where this subsection conflicts with section 5-21 of the Miami-Dade County Code, the latter shall control.
- (8) To impound or confine an animal in any place and during such confinement: to fail to supply the animal with a sufficient quantity of good and wholesome food and water; to fail to provide the animal with wholesome exercise and change of air; to keep the animal in an enclosure that does not permit the animal to make normal postural movements; to keep the animal in an enclosure that contains excess excreta. Enclosing an animal in a vehicle without adequate ventilation shall be deemed to be a violation of this provision;
- (9) For a responsible party to abandon an animal in a street or other public place or to abandon an animal if it is maimed, infirm, or diseased; for any individual to remove an animal from a particular area and relocate it to another with the intent of permanently abandoning the animal, without making provision for the feeding and sheltering of the animal, with the intent to harm and/or kill the animal, and/or without the owner's consent if the abandoning party is not the owner. For purposes of this section, "abandon" means to forsake an animal for which one is responsible without providing for its care, necessary sustenance, protection, and shelter;
- (10) If an animal is known to have or to have been exposed to a contagious or infectious disease: to transfer possession of such animal without first disclosing the condition of the animal to the person to whom the animal is transferred; to knowingly permit such animal to run at large; or to knowingly permit such animal to come into contact with any animal of another person without the other person's knowledge or permission.
- (11) To intentionally trip, fell, rope, or lasso the legs of an animal by any means for the purpose of entertainment or sport, except for cattle roping as might occur at authorized rodeo event. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause an animal to fall or lose its balance. The provisions of this subsection shall not apply when tripping is used to control an animal that is posing an immediate threat to well-being of human beings or other animals; for the purposes of capturing a loose or lost animal; or for the purpose of administering veterinary care.

An individual found to be in violation of this section shall be subject to all enforcement regulations as contained in this chapter and all penalties as set forth in F.S. ch. 828, and chapter 5, Miami-Dade County Code. To the extent that violations of this chapter constitute violations of county and/or state law, the city shall refer such actions to the appropriate county and/or state agency for prosecution.

(Ord. No. 2014-21, § 2, 6-11-2014)