ORDINANCE NO.	. 2023 - 004
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2	AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES,
3	FLORIDA, AMENDING CHAPTER 3 OF THE TOWN OF SOUTHWEST
4	RANCHES UNIFIED LAND DEVELOPMENT CODE OF ORDINANCES
5	PERTAINING TO DANGEROUS DOGS; PROVIDING FOR
6	PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE;
7	PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
8	AND, PROVIDING FOR AN EFFECTIVE DATE.
9	
10	WHEREAS, the Town of Southwest Ranches (the "Town") is a rural community
11	that contains numerous dogs and other animals; and
12	WHEREAS, a loose dog shall not be considered inherently dangerous; and
13	WHEREAS, although the majority of the dogs within the Town are good, on
14	several occasions dangerous dogs have attacked people and other animals; and
15	WHIPPEAC as a result of those depressions does attacked the Taylor Council to I'm a
16	WHEREAS, as a result of these dangerous dog attacks, the Town Council believes
17 18	that it is in the best interest of the health, safety and welfare of its residents to amend the Town's code to regulate dogs and promote responsible dog ownership; and
19	WHEREAS, the Town Council finds the amendment furthers the goals, objectives
20	and policies of the Unified Land Development Code of Ordinances.
21	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
22	TOWN OF SOUTHWEST RANCHES, FLORIDA:
23	Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby
24	ratified and confirmed as being true and correct and are hereby made a specific part of
25	this Ordinance.
26	Section 2: Text Amendment. Chapter 3 of the Unified Land Development Code
27	entitled, "Animals" is hereby amended to create Section 3-3, entitled "Dangerous Dogs"
28	as follows:
29	* * *

Key: <u>Underlined</u> text is added and stricken text is deleted.

A Dangerous Dog is defined as any dog that:

Sec. 3-3. – Dangerous Dogs

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- (1) Has aggressively bitten, attacked, endangered or inflicted severe injury on a human being on public or private property;
 - (2) Has killed or aggressively bitten, attacked, endangered, or inflicted injury to a domestic animal while unprovoked and off the owner's property;
 - (3) Has, when not under the direct control of any person and, 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 (1) or more persons and dutifully investigated by the appropriate authority.

Notwithstanding anything else contained in this ordinance to the contrary, a dog shall not be classified by the Town or a Code Enforcement Officer as dangerous if the incident occurred on private property containing a "Bad Dog" sign in accordance with Section 767.04 Florida Statutes, as may be amended from time to time, or if the threat, injury or damage sustained by a person was sustained at a time when the person was unlawfully on the property of the dog's owner, or while a person was lawfully on the property of the dog's owner but was tormenting, abusing, or assaulting the dog, its owner, or a family member or guest of the owner; or if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Domestic animal shall mean an equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other tamed, raised or kept beast or bird.

- (a). The owner of a dangerous dog shall confine the dog to its property in an enclosure and shall not take, or allow the dog to be taken, out of the property unless the dog is securely muzzled and under the physical control of the owner by means of a leash, cord or chain.
- (b). When a court of competent jurisdiction has found the dog to be dangerous and orders the dog to be registered with Broward County, no person shall keep or harbor a dangerous dog without a valid dangerous dog license, pursuant to the Broward County Code of Ordinances, sections 4-12(b)(1), as they may be amended from time to time.
- (c). The owner of a dangerous dog shall provide proof of vaccination to code enforcement within two (2) business days of an incident.

Penalties:

An officer who has probable cause to believe that a person has committed an act in violation of this ordinance shall issue a citation for a civil penalty in the amount delineated below, or in its sole option, may set the matter to be heard by a Special

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Magistrate, where the Town shall seek a civil penalty in the amount set forth below:						
In accordance with Section 162.09 (2)(d) Florida Statutes, as may be amended from time to time, a maximum penalty of \$1,000 for the first violation, \$5,000 for a repeat violation, and up to \$15,000 if it is found that the violation is irreparable or irreversible in nature. In addition to such fines, the Special Magistrate may impose additional fines to cover all costs incurred by the Town in enforcing its codes.						
* * *						
Section 3: Inclusion. The Town Clerk shall cause this Ordinance to be included as part of the Town's Code of Ordinances.						
Section 4: Conflict. That all Sections or parts of Sections of the Code of Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict are hereby repealed to the extent of such conflict.						
Section 5: Severability. If any one or more of the provisions of this Ordinance shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be separate from the remaining provisions, and shall in no way affect the validity of all other provisions of this Ordinance.						
Section 6: Effective Date. This Ordinance shall be effective immediately upon its adoption.						
PASSED ON FIRST READING this 26th day of January, 2023 on a motion						
made by Council Member Hartmann and seconded by Council Member Jablonski.						
PASSED AND ADOPTED ON SECOND READING this 23rd day of March, 2023,						
on a motion made by Council Member Kuczenski and seconded by Council Member						
<u>Hartmann</u> .						
[Signatures on the Following Page]						

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	Breitkreuz Allbritton	(10)		Ayes	
	Hartmann	(Jan		Nays Absent	10
	Jablonski	40)		Abstaining	0
	Kuczenski			Abstairing	
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13	Russell Muñiz, Assistant 1	own Admin	istrator/Town (Clerk	
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16	Approved as to Form and	Correctors	. .		
17	Approved as to Form and	Correctnes	S:		
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19	4/1/19				
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21 22	Keith M. Poliakoff, J.D., T	own Attorne	ey		
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