

## Sec. 5-17. - Legislative intent.

This article is intended to utilize the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is intended to be applicable to dogs which are commonly referred to as "pit bulls" and which are defined herein. This article is designed to regulate these pit bull dogs and to ensure responsible handling by their owners through confinement, registration, and liability insurance. The unique history nature and characteristics of pit bull dogs have been determined to require the special regulations and provisions contained within this article which the County Commission hereby finds reasonable and necessary.

(Ord. No. 89-22, § 2, 4-4-89)

### Sec. 5-17.1. - Definition and identification of a pit bull dog.

- (a) The term "pit bull dog" as used within this article shall refer to any dog which exhibits those distinguishing characteristics which:
  - (1) Substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or
  - (2) Substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers.
- (b) The Standards of the American Kennel Club and the United Kennel Club referred to in subsection (a) above, are attached hereto and incorporated herein by reference as "Exhibit A" and shall remain on file with the Animal Services Division of the Public Works Department of Miami-Dade County.
- (c) Technical deficiencies in the dog's conformance to the standards described in subsection (b) shall not be construed to indicate that the subject dog is not a "pit bull dog" under this article.
- (d) Testimony by a veterinarian, zoologist, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.

(Ord. No. 89-22, § 3, 4-4-89)

### Sec. 5-17.2. - Confinement of pit bull dogs.

- (a) Because of the pit bull dog's inbred propensity to attack other animals, and because of the danger posed to humans and animals alike by a pit bull dog when running loose or while naming together in a pack, pit bull dogs must at all times be securely confined indoors, or confined in a securely and totally enclosed and locked pen, with either a top or with all four (4) sides at least six (6) feet high, and with a conspicuous sign displaying the words "Dangerous Dog."
- (b)

At any time that a pit bull dog is not confined as required in subsection (a) above, 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. Provided, however, that no pit bull dog may be walked within fifty (50) feet of any public school ground nor enter onto such school ground.

- (c) An exception to these confinement requirements is hereby provided for any pit bull dog in attendance at, and participating in, any lawful dog show, contest or exhibition sponsored by a dog club, association, society or similar organization.
- (d) An exception to these confinement requirements is hereby provided for any pit bull dog when the dog is actually engaged in the sport of hunting in an authorized area and supervised by a competent person.

(Ord. No. 89-22, § 4, 4-4-89)

Sec. 5-17.3. - Evidence of financial responsibility required to be maintained by owners of pit bull dogs.

In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a pit bull dog attack, every owner of a pit bull dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the Animal Control Office a certificate of insurance from an insurance company authorized to do business in the State, stating that the owner is and will be insured against liability for such damages; or by posting with the Animal Control Office a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property; or a sworn statement of the owner of his/her financial ability to respond in damages up to and including the amount of fifty thousand dollars (\$50,000.00).

(Ord. No. 89-22, § 5, 4-4-89; Ord. No. 89-127, § 1, 12-19-89)

**Note—** See § 5-17.6(a) for the effective date of this section.

Sec. 5-17.4. - Registration of pit bull dogs.

Every owner of a pit bull dog in Miami-Dade County shall register the dog with the Animal Services Division of the Public Works Department of the County. The registration shall include the following: Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from the owner's address; a complete identification of the dog including the dog's sex, color and any other distinguishing physical characteristics; a color photograph of the dog; a description of the method of compliance with the confinement requirements; proof of the liability insurance or other evidence of financial responsibility required pursuant to this article; and a registration fee.

(Ord. No. 89-22, § 8, 4-4-89)

**Case Law annotation—** AO 4-51A.

Sec. 5-17.5. - Enforcement.

It shall, be the duty and responsibility of all Miami-Dade County Animal Control Officers to enforce the provisions of this article.

(Ord. No. 89-22, § 7, 4-4-89)

Sec. 5-17.6. - Time for compliance.

- (a) All persons subject to this article shall have ninety (90) days from the effective date of this section [April 14, 1989] to comply with all confinement and registration and requirements. The provisions of Section 5-17.3, entitled "Liability Insurance or Other Evidence of Financial Responsibility Required to be Maintained by Owner of Pit Bull Dogs," shall be effective on January, 1, 1990.
- (b) No pit bull dogs may be sold, purchased, obtained, brought into Miami-Dade County, or otherwise acquired by residents of Miami-Dade County anytime after the passage of ninety (90) days after the effective date of Ordinance Number 89-22. No such newly acquired pit bull dogs may be kept, maintained, or otherwise harbored within Miami-Dade County, and each day any such newly acquired pit bull is so kept, maintained, or harbored shall constitute a separate violation of this section.
  - (1) Violation of subsection (b) may result in the issuance of a civil violation notice, and
  - (2) Humane destruction of the pit bull dog by order of a court of competent jurisdiction. The County Manager or his designee may apply to the court for such order pursuant to this paragraph.
- (c) Failure to register a pit bull dog as required by this article within the ninety-day grace period shall be prima facie evidence that the pit bull dog is a newly acquired pit bull dog.

(Ord. No. 89-22, § 8, 4-4-89; Ord. No. 89-63, § 1, 7-11-89)

Sec. 5-17.7. - Pit bull signs in veterinary offices, kennels, commercial breeders, commercial animal establishments, pet shops, and dog grooming businesses.

- (1) *Signs Required.* Every veterinary office, kennel, commercial breeder, commercial animal establishment, pet shop, and dog grooming business must post a sign stating in English, Spanish and Creole the following:

BOTH PURE AND MIXED BREED PIT BULL DOGS ARE CLASSIFIED AS DANGEROUS. IT HAS BEEN ILLEGAL TO ACQUIRE A NEW PIT BULL DOG SINCE JANUARY 1, 1990. FAILURE TO REGISTER, MUZZLE, CONFINE, AND INSURE A PIT BULL IS A VIOLATION OF THE LAW SUBJECT TO SEVERE

PENALTY. Section 5-17.1, Miami-Dade Code.

IF YOU OR YOUR FAMILY IS AT RISK BECAUSE SOMEONE LIVING NEAR YOU ILLEGALLY KEEPS A PIT BULL, CONTACT THE MIAMI-DADE COUNTY DANGEROUS DOG INVESTIGATOR AT [HERE INSERT CURRENT PHONE NUMBER PROVIDED BY MIAMI-DADE COUNTY].

The sign must be prominently displayed to the public and clearly legible.

- (2) *Penalties.* Failure to post a sign as required by this section shall be a civil violation subject to a \$500.00 civil, penalty. Every day a sign is not posted shall be a separate violation.

(Ord. No. 99-159, § 1, 11-16-99)