

BCC MEETING

JULY 26, 2011

COMMISSIONER'S COMMENTS

GROOVER'S MARKET

WE BUY GOLD

LAND USE MATTERS (SEE ATTACHMENT)

PAIN ORDINANCE (SEE ATTACHMENT)

ANIMAL SERVICES ADVISORY BOARD (SEE ATTACHMENT)

SECURITY AT THE JUDICIAL CENTER (SEE ATTACHMENT)

UNITED WAY BOWLING TOURNAMENT

RECOGNITION OF COUNTY CITIZENS

SHIRLEY TALLEY

SOUTH COUNTY COMMUNITY REDEVELOPMENT AREA

SCHOOL BOARD

ECONOMIC INCENTIVE AWARDS

DISTRICT 4 BUSINESS EXPO

IMPACT FEE CREDITS



RECEIVED *Crawford*

JUL 20 2011

Board of County Commissioners
Manatee County

Attorney
Office of the
**MANATEE COUNTY
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Deputy County Attorney
Maureen S. Sikora, Deputy County Attorney*
Robert M. Eschenfelder, Deputy County Attorney
Rodney C. Wade, Deputy County Attorney*
William E. Clague, Deputy County Attorney
James R. Cooney, Deputy County Attorney
Sarah A. Schenk, Deputy County Attorney*

MEMORANDUM

DATE: July 14, 2011
TO: Commissioner Joe McClash
THRU: Tedd N. Williams, Jr., County Attorney *TNW 7/15/11*
FROM: William E. Clague, Deputy County Attorney *WEC 07/15/11*
RE: **STANDARD LANGUAGE IN RESPONSE TO CITIZEN E-MAILS REGARDING
QUASI-JUDICIAL LAND USE MATTERS
CAO FILE: 1017-192; RLS-11-191**

Pursuant to the above-referenced RLS you have requested that our office provide standardized language to the Board of County Commissioners for responses to e-mails from citizens inquiring about quasi-judicial land use matters. We have reviewed a number of e-mails submitted by you and other commissioners regarding such matters, and offer the following subjected language as a standardized response:

Thank you for your comments on this matter. Because it concerns a quasi-judicial land use question that will be considered by the Board at a future public hearing, it is subject to the County's restriction and disclosure requirements for ex parte communication. In keeping with such requirements, commissioners generally prefer not to discuss such matters with affected parties outside the noticed public hearing. Your comments will be entered into the record for the Planning Commission and the Board of County Commissioners public hearings for their consideration. You are encouraged to attend such hearings and offer your comments to the Planning Commission and Board directly.

WEC cw
Comment 2
7/26/11
Blumberg No. 5137

The above language reflects existing standard language used by the Planning Department, in addition to language suggested by our office. This concludes our response to the RLS. Please do not hesitate to contact me if you have any comments or questions.

* Board Certified City, County & Local Government Law

Commissioner Joe McClash
July 14, 2011
Page 2 of 2

WEC/kjs

cc: Board of County Commissioners
John Barnott, Director, BADS
John Osborne, Planning and Zoning Official, BADS
Sarah A. Schenk, Deputy County Attorney



SARASOTA COUNTY ORDINANCE Re Pain Management Clinics (A Comparison w/ MC's Emergency Ordinance)

Jim Minix to: Carol Whitmore

07/18/2011 03:12 PM

Cc: Michael Gallen, John Chappie, Donna Hayes, Robin DiSabatino, Joe McClash, Larry Bustle, Carol Whitmore, John Barnott, Cheri Coryea

Handwritten notes on the right margin:
- Top: *Be...*
- Middle: *... 5/15/11 ...*
- Bottom: *...*

Commissioner Whitmore:

I have reviewed the Sarasota County Ordinance regulating Pain Management Clinics and compared it to the current Manatee County emergency ordinance. I have several comments to make on the Sarasota ordinance:

** My general view of the two ordinances is that the Sarasota ordinance is more comprehensive in its requirements and expands the definition of a Pain Management Clinic to include many more physicians than does the current MC ordinance. The MC ordinance was designed to be temporary and it was anticipated that a permanent ordinance would ultimately replace the temporary ordinance. The MC ordinance was enacted before the state adopted HB 7095 providing for additional tools for prosecution of prescription drug abuses. Most of the exemptions from the MC ordinance (see section 5) are not included in the Sarasota ordinance. Mr. Sloan calls the many physicians unregulated by the MC ordinance the "special interests." Our ordinance was directed to "pill mills" not legitimate pain clinics run by duly licensed physicians and we do not consider our local physicians to be a "special interest" as that term is usually invoked. The Sarasota ordinance only exempts those facilities who (a) "primarily provide surgical services," for a period of 90 days or less; (b) are hospitals; or (c) do not prescribe controlled substances. [Sec.1(10)(b)]

** The Sarasota ordinance authorizes a Pain Management Clinic to receive an occupational license and it permits the county to revoke the occupational license for a variety of offenses as defined in the ordinance. [Sec.4(2)]. The MC ordinance grants a pain management clinic a special permit and authorizes criminal penalties for violation of the ordinance. It contains no provision regarding revoking the permit for failure to comply with the ordinance.

** The Sarasota ordinance contains a greatly expanded right of inspection by the county & law enforcement. It also requires the maintenance of extensive records by the clinic and these records are submitted to the county periodically. [Sec.5] The MC ordinance has an inspection provision [Sec.6] but does not require the submission to the county of any records.

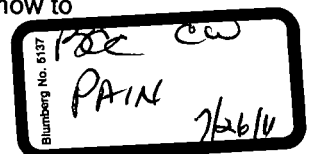
** Both ordinances require registration with the county: Sarasota to get the occupational & business license; MC to receive a special permit. Both of them have registration procedures although the Sarasota procedures are much more extensive and its ordinance goes into depth about the ownership activities of the owners of a pain clinic. [Sec.5(8)]

X ** The Sarasota ordinance requires mandatory use of the state's Prescription Drug Monitoring Program. MC's ordinance is silent on this requirement.

** The Sarasota ordinance however does contain some provisions that we should include in any permanent ordinance the county would enact:

- ** The definition section covers more recent events & the latest law.
- ** Some of the definitions should be adopted in the permanent MC ordinance.
- ** There is a probation or revocation section of the ordinance that MC should consider and generally adopt (although not with all of the numerous restrictions that Sarasota has included).
- ** The ordinance allows code enforcement to issue citations for violations of the ordinance.

** In summary, I would say that the two ordinances represent two different views of how to



regulate pain management clinics and prohibit a "pill mill" from operating. Our ordinance was meant to be temporary and its intent was to prohibit new pill mills from operating in the county. It was reactive in scope and was designed to keep pill mills out of the county and out of business. It was not designed to regulate all physicians dispensing pain medicine; nor did it provide for an extensive regulatory scheme for legitimate clinics and for physicians who engaged in pain management. The Sarasota ordinance is much more comprehensive in scope and in the detail of its regulation. It covers virtually all physicians who engage in pain management unless it involves surgery. ✕

** I would anticipate that Sarasota will eventually have its ordinance challenged by some physicians who find its provisions arduous and difficult to comply with. I cannot say whether the ordinance will be sustained in court. Its inspection and records keeping requirement may ultimately be held invalid as warrantless searches & seizures. Its hard to say where the law will ultimately come down on this issue. In any event, it will be a decision of the Board as to how much regulation it imposes in this area. I am still working with staff to draft a permanent ordinance for the Board to consider.

Jim Minix
Chief Deputy County Attorney
Manatee County Attorneys Office
P.O. Box 1000
Bradenton, FL 34206
941-745-3750
941-749-3089 (fax)
email: jim.minix@mymanatee.org

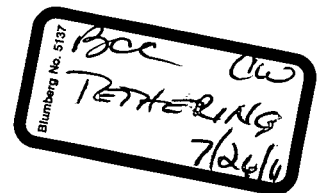
Tedd Williams

I have asked Jim to prepare a response to Mr. SI... 07/15/2011 05:58:07 PM

INFORMATION FAVORING THE ADOPTION OF
SARASOTA'S ANTI - TETHERING
ANIMAL ORDINANCE

IN MANATEE COUNTY, FLORIDA

June 29, 2011



COMMENTS

Permanent tethering of a dog is not only cruel and inhumane, but it creates aggression in dogs and, therefore, promotes dangerous environments for our community members.

The ASPCA reports 81% of fatal dog attacks involve dogs that are isolated.

Tethered dogs suffer with hunger from sporadic feedings, overturned water bowls, little to no exercise or regular socialization. Chained dogs spend their entire lives eating, sleeping, urinating and defecating in a single confined area. They are exposed to extreme temperatures such as cold, heat and rain; flea and tick infestation; heartworm disease; snakes, bugs, rodents and a multitude of other parasites.

Typical of a chained dog is severe laceration of the neck where the collar has become embedded. Many states and local governments across the U.S. have already banned permanent tethering. Jurisdictions that have prohibited permanent tethering have experienced safer communities for people and pets, as well as significant reductions in animal cruelty cases, nuisance complaints, animal bites and attacks, and a reduction in litters from unattended tethered dogs vulnerable to mating by strays.

Article taken from Hillsborough County Florida's "End Dog Cruelty - Sign the Anti-Tethering Petition." Last 14 words added by presenter.





REASONS WHY MANATEE COUNTY NEEDS TO ADOPT SARASOTA'S ANTI-TETHERING ANIMAL ORDINANCE

1. PUBLIC SAFETY

The American Society for the Prevention of Cruelty to Animals (ASPCA) reports 81% of fatal dog attacks involve dogs that are isolated. The most common victims of chained dog attacks are children.

2. FEWER NUISANCE CALLS as a result of concerned citizens reporting dog barking, dog neglect, tethered dogs, and dog deaths from dehydration and strangulation.

3. A DECREASE IN NEW LITTERS. The vast majority of unattended tethered dogs are not spayed or neutered, leaving them vulnerable to mating by strays.

  AN ANTI-TETHERING ORDINANCE IS A VERY IMPORTANT COMPONENT IN MAKING MANATEE COUNTY A NO-KILL COMMUNITY. THE FEWER DOGS BORN FROM UNATTENDED TETHERED DOGS, THE FEWER EUTHANASIAS.  

4. A few of the organizations opposing tethering of dogs:

1. The Humane Society of the United States
2. Society for the Prevention of Cruelty to Animals (SPCA)
3. U.S. Department of Agriculture (USDA)
4. Centers for Disease Control (CDC)
5. American Veterinary Medical Association (AVMA)
6. Dogs Deserve Better

5. To align Manatee County with other communities in Florida that have already enacted a tethering ordinance. Some of these are as follows:

1. Sarasota County
2. Miami-Dade County
3. Lee County
4. Seminole County
5. Collier County
6. Escambia County
7. West Palm Beach (in Palm Beach County)
8. City of Gulfport (in Pinellas County)
9. Seminole City (“ “ “)
10. City of Miramar (in Broward County)
11. Oakland Park (“ “ “)
12. Hollywood (“ “ “)
13. Ft. Lauderdale (“ “ “)
14. Wilton Manors (“ “ “)
15. Pembroke Pines (“ “ “)

For comprehensive list of cities, counties, and states with tethering ordinances and language of ordinances, go to:

[Unchain Your Dog.org/Improve dog Chaining or Tethering Laws](http://UnchainYourDog.org/Improve%20dog%20Chaining%20or%20Tethering%20Laws)

U.S. Centers for Disease Control and Prevention

According to research posted by the U.S. Centers for Disease Control and Prevention, the most common factors in life threatening and fatal dog attacks are that the dog is unsterilized, the victim is a child, and the dog is either tethered or has a history of usually being tethered. They state that a chained dog is 2.8 times more likely to bite than an unchained dog.

The following pages contain information gathered through several phone conversations and e-mails with representatives of counties and a municipality that currently have an Anti-Tethering Animal Ordinance (ATAO) in place. Those representatives are:

1. Sarasota County

Lt. Scott Ortner (941) 861-9558
Sarasota Sheriff's Office www.sarasotasheriff.org
Animal Services Section
8451 Bee Ridge Rd.
Sarasota, FL 34241

2. Sarasota Humane Society

John Phlor (941) 955-4145 x124
Receiving & Behavioral Manager www.hssc.org
2331 - 15th St.
Sarasota, FL 34237

3. Pembroke Pines in Broward County

John Earle (954) 431-4466 x425
Director of Code Compliance www.ppines.com
13975 Pembroke Rd.
Pembroke Pines, FL 33027

4. Collier County

Amanda Townsend (239) 252-7387
Director of Animal Services www.colliergov.net
Collier County Domestic Animal Services
7610 Davis Blvd.
Naples, FL 34104

5. Miami-Dade County

Kathy Labrada (305) 885-1721 x272
Enforcement Manager www.miamidade.gov
Miami-Dade Animal Services
7401 NW 74th St.
Miami, FL 33166

1. Sarasota Animal Services

Fri., 6/3/11 phone conversation summary with Lt. Scott Ortner, Sarasota Sheriff's Office, Animal Services Section:

- According to Lt. Ortner, since the Sarasota Anti-Tethering Animal Ordinance was enacted on Sept. 15, 2010, there has been no added workload or cost related to the ordinance.
- According to Lt. Ortner, Sarasota residents have shown good compliance with the new ordinance since it was enacted, which he credits in great part to their public awareness campaigns and educating the public on the merits of their ordinance. He encourages other counties to utilize the power of education to attain a successful outcome with the ordinance.
- He states that there has been no bad press related to the ordinance. According to him, the ordinance is not intended to punish animal owners but to educate. Those unfamiliar with the ordinance and/or are first time offenders, are merely given a warning and an explanation of the ordinance. Second and subsequent offenders are issued a fine. It is also more specifically focused on owners who tether their animals 24-7 in which the dog or cat is unattended.
- Lt Ortner did not have written confirmation in their county on the association of increased dog bite incidents and tethered dogs because he stated he often does not know if roaming dogs picked up for biting were previously tethered. However, dogs he knows have been tethered 24-7 have shown an increase in bite incidents as opposed to those that are responsibly and humanely contained. He deferred me to national statistics.
- According to Lt. Ortner, the term "UNATTENDED RESPONSIBLE TETHERING" does not exist.
- Overall, Lt. Ortner states their ordinance has been a success on all levels.

SARASOTA COUNTY ANTI-TETHERING ANIMAL ORDINANCE

Ordinance 2010-053 Section 4 Sec. 14-44

Tether shall mean to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, running line, or other binding material. Tethering shall not include using a leash to walk an animal.

(f) Under no circumstances shall a person improperly tether any animal. It shall be unlawful for an owner to tether an animal outdoors, except for when all of the following conditions are met:

- (1) The animal is in visual range of the owner, AND the owner is located outside with the animal;
- (2) The tether is connected to the animal by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width;
- (3) The tether has the following properties:
 - a.) it is at least five times the length of the animal's body, as measured from the tip of the nose to the base of the tail;
 - b.) terminates at both ends with a swivel;
 - c.) it does not weigh more than 1/8 of the animal's weight; and
 - d.) is free of tangles.
- (4) The animal is tethered in such a manner as to prevent injury, strangulation or entanglement.
- (5) The animal is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
- (6) The animal has access to water, shelter, and dry ground.
- (7) The animal is at least six months of age. Puppies, kittens, and other young animals shall not be tethered.
- (8) The animal is not sick or injured.
- (9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
- (10) If there are multiple animals, each animal is tethered separately

2. Sarasota Humane Society

Wed., 6/8/11 phone conversation summary with Mr. John Phlor, Receiving & Behavioral Manager at the Sarasota Humane Society:

- According to Mr. Phlor, there have been no added workload or cost increases at their facility related to Sarasota's Anti-Tethering Animal Ordinance following its enactment in Sept. 2010.

- He stated there was only a slight increase in dog surrenders the first month following enactment of the ordinance and then tapered off but could not say if it was related to the ordinance.

- He was unable to give any hard numbers on their dog bite incidents as they directly relate to dogs tethered 24-7, but to his best knowledge, ½ of those dogs tethered 24-7 do not make it to adoption because of their potential for biting.

- According to Mr. Phlor, he predicts the Anti-Tethering Animal Ordinance will become mostly complaint driven in the future.

- He states that the ordinance is not intended to punish but to be used with a common sense approach and that education is key.


- He further referred me to Charmain Engelsman-Robins, Director of "Unchain My Heart of Sarasota, Inc" for information on assistance with fence building for untethered dogs.

Forwarded from Charmain to Eve: how to build info from the Coalition x

Unchain My Heart of Sarasota, Inc. to me

Here's the
fence info!

Got ferals? >^..^< THINK STERILE!
T/N/R = The Humane Solution

 **webhowtobuildafence.pdf**
1724K [View](#) [Download](#)

[Reply](#) [Forward](#)

DogWatch® Pet Fences - Vet Approved, Innovative & Hidden.
Registered Trademark. Find Dealer!
www.DogWatch.com

3. Pembroke Pines in Broward County

Thurs., 6/23/11 phone conversation summary with Mr. John Earle, Director of Code Compliance on substantive points of how their Anti-Tethering Animal Ordinance is working in Pembroke Pines:

- According to Mr. Earle, since Pembroke Pines enacted their tethering ordinance on 8/4/10, there has been no cost increase to enforce the ordinance and the ordinance has actually resulted in a DECREASE workload secondary to fewer nuisance calls for dog barking, tethered dogs, and dog neglect.
- There have been no animal surrenders secondary to the ordinance.
- Residents have shown good compliance and there has been no bad press related to the ordinance.
- Mr. Earle explains that they do not send out overzealous officers on dog tethering complaints but rather equip their officers with the information needed to educate the offender, and the public in general, about the ordinance and merits of compliance.
- There has been only one citation issued since the ordinance was enacted. The offender did not comply with the first warning then later received a citation on the second visit for non-compliance.
- Mr. Earle encourages communities to contact various homeowners associations, as they have done, about why the ordinance works. Educating this segment of the population on this issue may result in more pet friendly communities, encourage dog adoptions, and promote optimism among board members of these associations to lift their no-pets-allowed policies.
- Mr. Earle was unable to provide figures on their dog bite occurrences as relates to unattended tethered dogs. He deferred me to national organizations for those statistics.

4. Collier County Domestic Animal Services

Wed., 6/8/11 phone conversation summary with Ms. Amanda Townsend, Director of Collier County Domestic Animal Services, on substantive points of how their Anti-Tethering Animal Ordinance is working in Collier County:

- According to Ms. Townsend, there has been no increase in workload or increase in costs associated with their tethering ordinance since it was enacted on 1/26/10.
- There has been good compliance with the ordinance from the residents of Collier County and no ordinance-related citations have been written.
- Ms. Townsend states there was only a “very minimal increase in dog surrenders related to the tethering ordinance” one month after initial passage, but none following that.
- She enthusiastically described their county’s journey in promoting the tethering ordinance this way:
 - “First Push ” -- public education through press releases, TV pet adoption shows, and other media outlets
 - “Second Push” -- included education on the ordinance through TV programs, press articles, and other media outlets promoting “Be Kind to Animal Week” in May.She states it’s all about educating the public.
- Ms. Townsend strongly recommends the advice and experience of Ms. Belen Brisco of the Southwest Florida chapter of “Dogs Deserve Better” who has been instrumental in helping to enact tethering ordinances in many counties throughout Florida, including theirs.
- Ms. Townsend e-mailed me a 2/1/11 newspaper article (see attached) on their successful experiences with their tethering ordinance.

good luck! Inbox X

TownsendAmanda to me

[show details](#)

Eve,

Here's a link to the follow-up article on our anti-tethering law.

<http://www.naplesnews.com/news/2011/feb/01/no-growling-after-one-year-anniversary-anti-tether/?citizen=1>

Good luck to you!

Amanda

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not e-mail. Instead, contact this office by telephone or in writing.

[Reply](#)

[Forward](#)

No growling after one-year anniversary of anti-tethering law passes

By LAURA ARCHAZKI-PACTER

Tuesday, February 1, 2011

*FROM: Amanda Townsend,
Director of Collier County
Domestic Animal Services*

There's no growling heard as the one-year anniversary for the anti-tethering ordinance passed in Collier County. But has the ordinance worked to curb the number of dogs chained outside for too long?

According to officials in Collier County and the National Dogs Deserve Better Organization, the answer is a resounding "yes."

"It's going just fine," said Amanda Townsend, director of Collier County Domestic Animal Services, of the ordinance enacted by Collier County Commission on Jan. 26, 2010. The anti-tethering provision was one part of a larger Collier County animal control ordinance.

Townsend credits community members for calling in infractions when dogs are left outside unattended on chains or tethers.

"We find ways to help people to come into compliance, when we get a call to check on the condition of a dog," she said.

The ordinance is simple to comply with, and Townsend noted a host of conditions to be considered as an infraction against a dog owner.

"The most important part is the animal cannot be unattended. If you want to put Sparky on a tether, while you're outside at a party, or you're outside gardening, or barbecuing, that is acceptable," she said, but added that Sparky must also have a bowl of water close by, and the tether, or chain, must weigh no more than one-eighth of the dog's weight.

However, the introduction of the ordinance has not curbed the numbers of dogs running loose in Golden Gate Estates. For Commissioner Jim Colletta, his district has experienced a surge in reports of dog attacks to both humans and livestock last year.

"Some people think it's alright to let their dog out the front door to roam," said Colletta as he commuted from a recent meeting in Immokalee. "Obviously, it's been remarkably quiet with tethered dogs, but there is still a problem with dogs not confined to yards. We have to deal with a lot of that."

But Belen Brisco, a volunteer with the Southwest Florida Chapter of Dogs Deserve Better, says community teamwork is key to helping dogs live better lives both in Collier and Lee counties. She dedicates hundreds of hours in community outreach to educate

dog owners of the psychological impacts of chaining dogs outside, which ultimately leads to more aggressive animal behaviors.

"I do believe that we can all make a difference, when we pay attention to what goes on around us, and get involved. We depend on residents to make the calls when they see an animal that needs help. When the law went into effect, many people called in for assistance, and we were more than happy to help," Brisco acknowledged of the many callers who served to reduce numbers of dogs left alone, or chained outside for too long. Brisco is currently working with Lee County to ensure an anti-tethering ordinance is passed there.

Beyond her work with Dogs Deserve Better Organization of Southwest Florida, and anti-tethering advocacy, Brisco dedicates her time to rehabilitating neglected and abused dogs in the Lee County Cell Dog Program, which are trained by K-9's Come First.

"It's a wonderful program where select inmates are training dogs that are coming from Gulf Coast Humane Society and Lee County Animal Services in Fort Myers," Brisco explained of the program, where dogs and their trainers are put through a series of training exercises to socialize the dogs again to learn better manners for return to an adoptive home. "We're always looking for foster homes for these dogs, and we hope that people will ask about these dogs to consider them for adoption."

For questions concerning Collier County Anti-Tethering Ordinance, call Domestic Animal Services at 252-PETS.

To become involved in national advocacy for anti-tethering and anti-chaining for dogs, go to www.dogsdeservebetter.org or call Belen Brisco at (239) 247-2080 to volunteer or to foster a dog.



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5. Miami-Dade County Animal Services

Wed., 6/8/11 phone conversation summary with Ms. Kathy Labrada, Enforcement Manager of Miami-Dade Animal Services Department, on substantive points of how their Anti-Tethering Animal Ordinance is working in Miami-Dade County:

- Ms. Labrada states there has been no increase in workload or fuel costs for vehicles or any other costs related to the tethering ordinance since it passed in August 2010. She states that her officers are on call 7 days a week and “go out anyway.”
- There has been no bad press, according to Ms. Labrada, following passage of the ordinance.
- She states that there has only been 2 surrenders related to the tethering ordinance since it went into effect in August 2010.
- Violators of the ordinance are first issued a warning, receive a \$115 citation for the second violation, and \$500 citation for all subsequent violations. Seventy-five percent (75%) of those amounts collected are paid to their Animal Services Trust Fund.
- Ms. Labrada directed me to the ASPCA statistics (see enclosed handout) on increase bites by tethered dogs.
- She states that it is not the intent of the ordinance to punish those with hardships (example: homeless person with a dog while attending dinner at a Salvation Army). Such facilities can and are receiving assistance with donated kennels located next to the buildings and/or receive assistance from volunteer pet sitters. The warning also allows 30 days to correct the problem. The tethering ordinance is, rather, mainly for those dogs tethered 24-7.
- Ms. Labrada e-mailed me an afterthought (enclosed) that many of the dogs tethered are not currently licensed, so the ordinance inadvertently INCREASES REVENUE in the form of licenses sold.

Labrada, Kathleen (ASD) to me

[show details Jun 8](#)

[Reply](#)

Good morning,

It was a pleasure speaking with you this morning, I wish you the best of luck in having the tethering ordinance passed. The Miami-Dade County ordinance can be viewed at:


<http://library.municode.com/index.aspx?clientID=10620&stateID=9&statename=Florida>


From the menu on the left of the screen select Chapter 5, Animals and Fowl, the applicable Section is 5-21. The attached spreadsheet details the number of Service Requests (SRs) received specifically regarding tethering. The warning is a 30 day notice to cease tethering, there is no penalty associated with the warning. The handout is distributed at the same time as the 30 day notice, which contains the hotline number for assistance. 2nd violations are the number of citations in the amount of \$115.00, issued as a result of non compliance with the initial 30 day warning to cease tethering. Subsequent violations are issued to individuals that continue to tether after the issuance of the citation for 2nd violation. The citations for subsequent violation carry a \$515.00 penalty.

Kathleen Labrada, Enforcement Manager
Miami-Dade Animal Services Department
7401 NW 74 Street
Miami, Florida 33166
[305-884-1102 x272](tel:305-884-1102)
Fax [305-805-1807](tel:305-805-1807)

"Delivering Excellence Every Day"

2 attachments — [Download all attachments](#)

 [tethering stats FY 0910.xls](#)
40K [View](#) [Open as a Google spreadsheet](#) [Download](#)

 [Tethered Dog English.pdf](#)
108K [View](#) [Download](#)

[Reply](#) [Forward](#)

afterthought :-)

[show details Jun 8](#)

[Reply](#)

Labrada, Kathleen (ASD) to me

Some of the arguments have involved the expense of enforcing the ordinance, it has actually proved beneficial as the animal control officers response to the tethering complaint results in the animal information being captured in our licensing database. At the time of response to the tethering complaint a warning to obtain the rabies vaccine and required license are issued as well. Many of the dogs tethered are not currently licensed so the ordinance inadvertently increases revenue in the form of licenses sold!

Kathleen Labrada, Enforcement Manager
Miami-Dade Animal Services Department
7401 NW 74 Street
Miami, Florida 33166
[305-884-1102 x272](tel:305-884-1102)
Fax [305-805-1807](tel:305-805-1807)

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Miami-Dade Anti-Tethering Animal Ordinance

Sec 5-21 - Tethering of Dogs

(a) As used in this section, tether means to restrain a dog by tying the dog to an object or structure including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

(b) It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met:

(1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

(2) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.

(3) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than 1/8 of the dog's weight, and it is free of tangles.

(4) The dog is tethered in such a manner to prevent injury, strangulation, of entanglement.

(5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.

(6) The dog has access to water, shelter, and dry ground.

(7) The dog is at least six months of age.

(8) The dog is not sick or injured.

(9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

(10) If there are multiple dogs, each dog is tethered separately.

(c) Nothing in this section shall be construed to excuse a violation of section 5-20 of this chapter.

(d) The section shall not apply to the transportation of dogs, and in the event of a conflict

with Section 5-15 of this chapter, Section 5-15 shall govern.

(e) For the first time violation , the Department shall issue a warning to the responsible party and shall wait at least thirty (30) days before taking any further enforcement action against the responsible party. Thereafter, each violation of this section shall be subject to enforcement in accordance with Section 5-2 of this chapter. For all civil penalties for violations of this section collected pursuant to Chapter 8CC, 75% of the amount collected shall be paid to Animal Services Trust Fund, created by Miami-Dade County Resolution No. R-1385-06, as may be amended from time to time.

(Ord. No. 08-120 & 1, 10-7-08)



The Children's Services Council of Pinellas County

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Dog tethering should be banned throughout Pinellas County

In Print: Sunday, January 10, 2010

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Editorials

- 1. Better turnout, or incumbent protection?

Seminole City Council members were determined to liberate dogs from what they considered pooch purgatory — being tied up day and night — so they approved a new ordinance that forbids tethering of dogs unless their owners are present. But the council members didn't stop there. They are urging the Pinellas County Commission and other Pinellas cities to pass anti-tethering ordinances as well. This is not a new idea; cities, counties and even states now have laws to limit canine tethering. It is time for Pinellas local governments to put an end to this inhumane practice.

Just days ago, *St. Petersburg Times* readers learned about the painful result of tethering for a Pasco County dog named Honey. The 1-year-old dog apparently had lived at the end of a rope since she was a puppy, and as she grew, the rope cut through fur and flesh and became embedded in her neck. Honey was found wandering, with an infected neck and massively swollen face. After surgery to remove the rope, she is recovering at the Humane Society of Pinellas County.

The U.S. Department of Agriculture and numerous animal welfare groups oppose canine tethering. The Humane Society of the United States calls tethering "inhumane and a threat to the safety of the confined dog, other animals and humans." Dogs that spend their lives tied up or chained outdoors are exposed to heat and cold, sickness, loneliness, insufficient food and water, and attacks by people and other animals. According to the Humane Society, dogs that are continuously tethered often become antisocial and aggressive and may attack people who approach them.

Seminole City Council member Dan Hester, a former board member of the SPCA of Tampa Bay, brought up the idea of a city anti-tethering ordinance. Hester said that he regularly passes some houses where dogs are tied outside around the clock.

The ordinance Seminole now has on the books makes tying a dog to any object or structure outdoors illegal unless the person responsible for the animal is outside with it and within eyesight.

If that condition is met, the dog can be tethered, but only if the tether is at least five times the length of the dog and attached to the dog with a buckle-type collar or body harness; if the weather is not extreme; if the dog has access to water, shelter and dry ground; if the dog is tethered in a way that is safe and separately from any other dog; and if the dog is not sick. Puppies under 6 months old may not be tethered under any circumstances. If the owner attaches the tether to a running line, the line must be at least 15 feet long and less than 7 feet above the ground.

For a first offense, the responsible party gets only a warning. After that, the penalty increases for each violation, up to the fourth offense, which brings a \$500 fine and a charge of animal cruelty.

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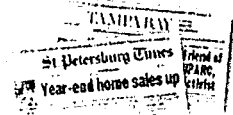
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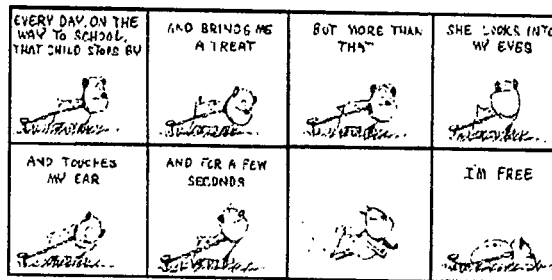


Dogs are pack animals. In the wild, canines live, eat, and sleep with their family. In the absence of other dogs, humans become their "pack." A chained dog feels rejected and doesn't understand why.

Imagine being chained to a tree year after year. You watch the door hoping someone will come play. No one ever does. You long to run, but you can only pace. You shiver in winter and pant in summer. Eventually, you stop barking. You have given up hope.

We have many forms of entertainment: movies, music, friends. Your dog only has YOU. If you can't give a dog a good life, should you have one?

It is up to caring people like you to improve the lives of chained dogs. Some think, "It's none of my business." But it is the business of compassionate people to speak up when living creatures are treated like objects. You will feel good about yourself for helping a chained dog!



Guard Dog, from Mutts comic strip. Used with permission.

Read a Chained Dog's Story and the inspiring stories of Gus and Cuddles, who were rescued from chains.



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I recommend this video on dog tethering; please type in:

DOGS DESERVE BETTER MIAMI - DADE AND
BROWARD COUNTIES, FL

Thank you,

Eve Sedita

**MANATEE COUNTY SHERIFF'S OFFICE
MEMORANDUM**

TO: Colonel John C. Hagaman
Chief Deputy

FROM: Lieutenant Daryl Brown
Bailiffs Unit

DATE: July 7, 2011

SUBJECT: Security Equipment and Video Storage at the Manatee County Judicial Center
(MCJC)

This memorandum will serve as a summary of events and timeline in regards to the Security Equipment and Video Storage at the Manatee County Judicial Center. Over the past three years the Manatee County Sheriff's Office has been in discussion with the County in order to obtain a more efficient security system that would meet the mandated 30 day video requirements, and provide adequate monitoring of the building.

The security system currently being utilized at the MCJC is primarily a GE system called Diamond II. The video goes thru 9 different DVR's and is controlled by a Panasonic Matrix. All alarms get reported through Diamond II which works with the Panasonic Matrix to give us "camera call up" for the alarms. Anytime a duress alarm goes off, a door is held open too long, or a door is forced open, the assigned camera "calls up" to that alarm monitor so we can immediately see the area. This system is a standalone system. It is its own closed network that does not connect to the county's servers. This was done on purpose to keep it secure.

- When the County moved into the MCJC in May 2008 the security system was still not fully operational and many hours were spent working with the sub contractor "BCI" who was responsible for the installation of the security system then. Numerous meetings were held with the Contractor Balfour Beatty, the Architect HOK and Fawley Bryant, Dan Schlandt, BCI, GE executives, Siemens, and numerous other county officials because BCI could not get the system to work properly.
- On Dec 11, 2008, we deactivated Grant Becker's (the owner of BCI) access card because he was told by Balfour Beatty not to come back on the job and all work was turned over to Siemens. BCI was later allowed back on the property to finish some work and was still responsible for some warranty issues.
- Several meetings occurred in 2008, with most of the system not working properly, Grant Becker, the owner of BCI, stated that the existing problem was that the Panasonic Matrix

was out of date there were problems obtaining parts. It was also learned from GE that Diamond II was no longer being sold and that the replacement for it was "Facility Commander." However, they also stated that Facility Commander was not yet ready for release and was still in testing. They told us since our system was so big that they would recommend that we wait until the 3rd version was released to give them time to work the bugs out of the first couple of versions. They expected the newer version to be available in the early part of 2009. During this time period, Siemens uninstalled then reinstalled Diamond II several times, and data was sent to GE technicians in California several times. Wayne Firestone, from GE assured us that they would stand behind their products and told us that they would provide us with Facility Commander free of charge, once it was available.

- By June of 2009, (a year after MCJC was opened) we still did not have a reliable system. Qualified Systems was hired by Manatee County and started working on our security equipment/programming and finally got it up and running properly.
- On Dec 10, 2009, there was a meeting at the Public Safety Complex (PSC) set up by Bill Hutchison. Invited to this meeting were; Bob Tollise, Bonnie Sietman, Dave Thompson, Dave White, Gloria Copenhaver, Jay Moyles, John Pfauiser, MaryAnn Russell, Mike McLaughlin, Renee Isom, Robert Qualtney, to which Sgt. Newman and Dep. Jeri Johnson attended. Qualified Systems talked about the need to switch to Facility Commander at some time in the future. They were familiar with Facility Commander and had installed it in other locations. Dave White demonstrated the abilities/capabilities of Facility Commander and recommended that we utilize this program because it uses "off the shelf" equipment and it is server-based not hardware-based. We also learned that we would not be able to transfer our data into Facility Commander, and that we would have to re-program everything from scratch.

At this time, we have added to the system for the Historic Court House, the Public Defender, the Congressman, Guardian Ad Litem and are now moving forward with construction on the 5th floor of the old MSO building for Probation to move in next year, and the Clerks Office has construction going on that will require additional equipment/cameras/duress alarms. Moreover, Qualified Systems now has to "rig" something to make the new equipment (on the 3rd floor) work, due to the fact that we can't get parts for our obsolete system. We have had discussions with the county in reference to video storage because this system will not meet the 30-day requirement. There were plans to add \$115,000 to the budget to add virtual server storage at the PSC so the county would be able to meet the mandated 30-day video storage requirements.

Thank you for your attention to this memorandum. I look forward to resolving this matter as soon as possible.

/db

Sec. 2-26-6. - Local preference, tie bids, local business defined.

- (a) Whenever a responsible local business bidder and a responsible nonlocal business bidder are found, upon the opening of bids, to have both submitted the lowest responsive bid, the bid of the local bidder shall be awarded the contract. Should more than one responsible local business bidder match the responsible nonlocal business bidder's lowest responsive bid, or should no responsible local business bidder match the lowest responsive bid but two (2) or more responsible nonlocal business bidders submit lowest responsive bids for equal amounts, then the award of the contract shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the purchasing office and open to the public. Any bidders seeking to be recognized as local businesses for purposes of this local business preference provision may be required by the terms of the bid announcement to certify they meet the definition of local business set forth in this section, and to register as a local business with the county in the manner prescribed by the county to facilitate the county's ability to track the award of contracts to local businesses and to allow the county to provide future notifications to its local businesses concerning other bidding opportunities.
- (b) Nothing herein shall be deemed to prohibit the inclusion of requirements with respect to operating and maintaining a local place of business in any invitation for bids when the bidder's location materially affects the provisions of the services or supplies that are required by the invitation.
- (c) Local business is defined as a business legally authorized to engage in the sale of the goods and/or services to be procured, and which certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one full-time employee at that location.
- (d) Each solicitation for bids made by the county shall contain terms expressly describing the local business preference policies of the county, and shall provide that by electing to submit a bid pursuant to a request for bids, all bidders are deemed to understand and agree to those policies.
- (e) For all contracts for architecture, professional engineering, or other professional services governed by Florida Statutes Section 287.055, the Consultants' Competitive Negotiation Act, the county shall include the local business status of a firm among the factors considered when selecting which firms are "most highly qualified." In determining which firm is the "most qualified" for purposes of negotiating a satisfactory contract, preference shall be given to a local business where all other relevant factors are equal.
- (f) Local preference shall not apply to the following categories of contracts:
 - (1) Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
 - (2) Contracts for professional services subject to Florida Statutes Section 287.055, the Consultants' Competitive Negotiation Act, except as provided for in subsection (f) above;
 - (3) Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;
 - (4) Purchases or contracts made pursuant to a noncompetitive award process, unless otherwise provided by this section;
 - (5) Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the county commission or county administrator, or where such suspension is, in the opinion of the county attorney, required by law.
- (g) To qualify for local preference under this section, a local business must certify to the county that it:
 - (1) Has not within the five (5) years prior to the bid announcement admitted guilt or been found guilty by any court or state or federal regulatory enforcement agency of violation of any criminal law, or a law or administrative regulation regarding fraud;
 - (2) Is not currently subject to an unresolved citation or notice of violation of any Manatee County Code provision, except citations or notices which are the subject of a current legal appeal, as of the date of the bid announcement;
 - (3) Is not delinquent in the payment of any fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, except any such sums which are the subject of a current legal appeal.

(Ord. No. 08-43, § 1, 8-26-08; Ord. No. 09-21, § 3, 3-17-09; Ord. No. 09-23, § 1, 3-17-09)

