

ORDINANCE NO. 2010-\_\_\_\_

**AN ORDINANCE OF THE WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 6.003, WAKULLA COUNTY CODE OF ORDINANCES; REQUIRING COMMERCIAL KENNELS LOCATED WITHIN THE UNINCORPORATED AREA OF WAKULLA COUNTY TO OBTAIN A LICENSE; PROVIDING COMMERCIAL KENNEL LICENSE APPLICATION REQUIREMENTS, INCLUDING A COMMERCIAL KENNEL LICENSE FEE; PROVIDING FOR COMPLIANCE AND INSPECTION REQUIREMENTS; PROVIDING ADDITIONAL REQUIREMENTS; DELETING SECTION 6.012.3, WAKULLA COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Wakulla County (the “County”) has determined that it is in the best interests of the health, safety, and welfare of the citizens of Wakulla County to require Commercial Kennels in the unincorporated area of Wakulla County to obtain a license from the Wakulla County Division of Animal Control;

**WHEREAS**, licensing of Commercial Kennels will create a process for inspection and review of such Kennels to ensure that persons owning and operating Commercial Kennels are complying with the requirements of Chapter 828, Florida Statutes, and Chapter 6, Wakulla County Code of Ordinances, pertaining to the care of animals, and providing all necessary care for the animals in the custody of such Kennels; and

**WHEREAS**, inspecting Commercial Kennels and reviewing Commercial Kennel license applications will create additional administrative costs for the citizens of Wakulla County, necessitating the imposition of a Commercial Kennel license fee to reduce the burden of inspecting Commercial Kennels and reviewing license applications;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, that:

**SECTION 1. AMENDMENT OF SECTION 6.003, WAKULLA COUNTY CODE OF ORDINANCES.** Section 6.003, Wakulla County Code of Ordinances is hereby amended, as follows (underlined words are added, ~~stricken~~ words are deleted):

**Commercial Kennel:** Any Kennel used for the commercial boarding, breeding, buying, selling or rearing of animals; provided that the term shall not include animal hospitals unconnected with boarding, animal grooming parlors unconnected with boarding, or the incidental breeding, buying, selling, or rearing of animals by Noncommercial Kennels.

**Kennel:** Any site used for the owning, breeding, buying, selling, rearing, or boarding ~~of animals~~ of six (6) or more dogs, cats, or a combination thereof, of six months of age or older, ~~for a commercial purpose.~~

**Noncommercial Kennel:** Any premises used primarily as the domicile of an animal owner, on which premises said owner breeds purebred or pedigreed animals primarily for the purposes of improving the physical soundness, temperament, and conformation of a given breed or breeds; provided that where said animals are offered for sale, sold, or exchanged for profit, and where said sales shall comprise fifteen percent (15%) or more of said owners' income, such operation shall be deemed a Commercial Kennel.

**SECTION 2. SHORT TITLE.** This Ordinance shall be known as the "Wakulla County Commercial Kennel License Ordinance."

**SECTION 3. LICENSE REQUIRED.**

(A) It shall be unlawful for any person owning or operating a Commercial Kennel within the unincorporated area of Wakulla County to operate without a license for said Kennel from the Wakulla County Division of Animal Control.

(B) Noncommercial Kennels shall be exempt from the licensing requirements of this Ordinance; provided, that it shall be unlawful for the owner or operator of any Noncommercial Kennel to allow the Kennel to become a nuisance or to emit such offensive odors or noises as shall disrupt the comfort, peace, quiet, or repose of any person residing in the vicinity of said Kennel.

**SECTION 4. APPLICATION AND ISSUANCE OF LICENSE.**

(A) All Commercial Kennels, whether used for the purposes of breeding, boarding, buying, selling, or rearing, or any combination thereof, shall annually apply for a license from the Division of Animal Control by October 1 of each year, or prior to operation.

(B) A Commercial Kennel license application shall include the following information:

(1) A Commercial Kennel license application form.

(2) A non-refundable Commercial Kennel license application fee in the amount of fifty dollars (\$50.00), or such pro-rated amount as required by the Division of Animal Control.

(3) Proof of payment of an occupational license or business receipt tax.

(4) Evidence or documentation from the Wakulla County Division of Planning and Zoning that the property on which the Commercial Kennel is or will

be located has zoning allowing operation of the Commercial Kennel or a valid conditional use permit or variance.

(C) A Commercial Kennel license shall be valid until September 30 of each year.

(D) The application fee may be prorated on a monthly basis for Commercial Kennels that initiate operations after the beginning of the County's fiscal year.

(E) No license issued by the Division of Animal Control shall be transferable to another person owning or operating a Commercial Kennel.

(F) All licenses for Commercial Kennels shall be assigned a number by the Division of Animal Control and clearly show their expiration date.

**SECTION 5. COMPLIANCE WITH LOCAL AND STATE LAWS AND AUTHORIZATION TO INSPECT.**

(A) All Commercial Kennels located within the unincorporated area of Wakulla County shall comply with all requirements of Chapter 828, Florida Statutes, and Chapter 6, Wakulla County Code of Ordinances. Such requirements include the duty to properly feed and care for the animals in the custody of the owner or operator of the Commercial Kennel.

(B) In order to obtain a valid license for a Commercial Kennel, the owner or operator of such Commercial Kennel shall, in filing the license application with the Division of Animal Control, authorize the employees of the Division to perform inspections of the Commercial Kennel within regular business hours, upon twenty-four (24) hours advance notice, to ensure compliance with state and local laws and ordinances.

(C) Upon a written determination that a Commercial Kennel owner or operator is not in compliance with state and local laws and ordinances, the Division of Animal Control shall issue a warning in writing to the Commercial Kennel owner or operator informing them of the necessary steps that must be taken to obtain compliance. The owner or operator of the Commercial Kennel shall immediately take all necessary steps to obtain such compliance within the time period specified by the Division of Animal Control.

(D) Animal Control shall reinspect the property if it determines a violation of exists. If after issuance of a warning, the Division of Animal Control determines that a Commercial Kennel owner or operator either remains in violation or has committed a separate violation of an animal control law or ordinance, the Division of Animal Control shall revoke the license and issue a citation pursuant to Chapter 6, Wakulla County Code of Ordinances.

(E) The Director of Animal Control may deny a Commercial Kennel license, where the license holder:

(1) Has refused to allow the Division to inspect the premises on which animals are kept or the records required to be maintained by this chapter or by state law.

(2) Has outstanding unpaid fines for violations of the Wakulla County Animal Control Ordinance.

(3) Has been found guilty of or is under an active investigation for animal cruelty or neglect under Chapter 6 of the Code of Ordinances, Chapter 828, Florida Statutes, or the laws of any other state.

(4) Has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (1) through (4) above.

(5) Is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (1) through (5) above.

(F) The license holder shall receive written notice of the Director's determination to deny or revoke a license or license renewal.

(G) Operating a Commercial Kennel after denial or revocation of a license or renewal is a violation of this section.

(H) In the event the Division of Animal Control either denies or revokes a Commercial Kennel license, the applicant or licensee may appeal such denial or revocation to the Wakulla County Dangerous Dog Appeal Board within 10 days of the date of such denial or revocation. The Dangerous Dog Appeal Board shall schedule a hearing to occur within thirty days for consideration of the denial or revocation and shall issue an order either affirming or reversing the action of the Division of Animal Control. If the action of the Division of Animal Control is reversed, the Division shall issue a new Commercial Kennel license or reinstate the revoked Commercial Kennel license.

**SECTION 6. VETERINARY RECORDS.** All owners or operators of breeding Commercial Kennels shall maintain valid veterinary records and proof of valid

vaccinations and veterinary care for all animals in the custody or care of the Commercial Kennel or its owner. Such records shall be subject to inspection by the Division of Animal Control.

**SECTION 7. DELETION OF SECTION 6.012.3, WAKULLA COUNTY CODE OF ORDINANCES.** Section 6.0123.3, Wakulla County Code of Ordinances, is hereby deleted in its entirety.

**SECTION 8. SEVERABILITY.** If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 9. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Wakulla County Board of County Commissioners and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BOARD OF COUNTY COMMISSIONERS OF  
WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_

HOWARD KESSLER, CHAIRMAN

ATTEST:

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BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM:

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Heather Encinosa, Esq.  
County Attorney