

ORDINANCE NO. 2010-___

AN ORDINANCE OF THE WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTIONS 6.003, 6.010.2, AND 6.014, WAKULLA COUNTY CODE OF ORDINANCES; REQUIRING KENNELS LOCATED WITHIN THE UNINCORPORATED AREA OF WAKULLA COUNTY TO OBTAIN A LICENSE; PROVIDING KENNEL LICENSE APPLICATION REQUIREMENTS, INCLUDING A KENNEL LICENSE FEE; PROVIDING FOR COMPLIANCE, INSPECTION, AND ENFORCEMENT; PROVIDING MAINTENANCE OF VETERINARY RECORDS BY KENNELS ENGAGED IN BREEDING; REPEALING 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 Kennels in the unincorporated area of Wakulla County to obtain a license from the Wakulla County Division of Animal Control;

WHEREAS, licensing of Kennels will create a process for inspection and review of such Kennels to ensure that persons owning and operating 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 Kennels and reviewing Kennel license applications will create additional administrative costs for the citizens of Wakulla County, necessitating the imposition of a Kennel license fee to reduce the burden of inspecting 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:

Kennel: (1) Any site used for the keeping of any number of dogs or cats for sale, or for breeding, boarding or treatment purposes, including a veterinary clinic, animal grooming facility, or pet store; or (2) any site at which six or more dogs or cats (or any combination thereof), six or months of age or older are kept. ~~Any site used for the owning, breeding or boarding of six (6) or more dogs, cats, or combination thereof, of six (6) months or older, for a commercial purpose.~~

(underlined words are added, ~~stricken~~ words are deleted)

SECTION 2. SHORT TITLE. This Ordinance shall be known as the “Wakulla County Kennel License Ordinance.”

SECTION 3. LICENSE REQUIRED. It shall be unlawful for any person owning or operating a Kennel within the unincorporated area of Wakulla County to operate without a license for said Kennel from the Wakulla County Division of Animal Control.

SECTION 4. APPLICATION AND ISSUANCE OF LICENSE.

(A) All Kennels shall annually apply for a license from the Division of Animal Control by October 1 of each year, or prior to operation.

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

(1) A Kennel license application form.

(2) A non-refundable 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, if the Kennel is a commercial establishment.

(4) Evidence or documentation from the Wakulla County Division of Planning and Zoning that the property on which the Kennel is or will be located has zoning allowing operation of the Kennel or a valid conditional use permit or variance, if required.

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

(D) The application fee may be prorated on a monthly basis for 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 Kennel.

(F) All licenses for 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 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 Kennel.

(B) In order to obtain a valid license for a Kennel, the owner or operator of such Kennel in filing the license application with the Division of Animal Control, shall authorize the employees of the Division to perform inspections of the Kennel facilities within regular business hours to ensure compliance with state and local laws and ordinances. Prior to issuance of an initial Kennel license, the Division of Animal Control shall conduct an initial inspection to verify that the Kennel facilities are sufficient to provide adequate care of and shelter for any animals that are or will be in the custody of the Kennel owner or operator.

(C) Upon a written determination that a 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 Kennel owner or operator informing them of the necessary steps that must be taken to obtain compliance. The owner or operator of the 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 conduct a follow-up inspection of the Kennel facilities if it determines a violation of exists. If such follow-up inspection reveals that the 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 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 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 Kennel license, the applicant or licensee may appeal such denial or revocation to the

Wakulla County Animal Control Appeal Board within 10 days of the date of such denial or revocation. The Animal Control 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 Kennel license or reinstate the revoked Kennel license.

SECTION 6. VETERINARY RECORDS. All owners or operators of breeding Kennels shall maintain valid veterinary records and proof of valid vaccinations and veterinary care for all animals in the custody or care of the Kennel or its owner. Such records shall be subject to inspection by the Division of Animal Control.

SECTION 7. AMENDMENT OF SECTION 6.010.2, WAKULLA COUNTY CODE OF ORDINANCES. Section 6.010.2, Wakulla County Code of Ordinances is hereby amended, as follows:

Sec. 6.010.2. ~~Dangerous animals appeal board.~~ ANIMAL CONTROL APPEAL BOARD. An appeal board consisting of five (5) members persons who are residents of Wakulla County and are knowledgeable in the areas of animal behavior, law enforcement, and/or public health, shall be appointed by the Board of County Commissioners to review decisions of the Division of Animal Control as specified herein, including, but not limited to the initial classification of an animal as dangerous or a denial or revocation of a Kennel license. ~~the initial classification of a dog as dangerous by the animal control authority The appeals board will hear appeals filed pursuant to section 6.010(c) of the Wakulla County Code. The appeals board shall~~

~~consist of citizens knowledgeable in the areas of animal behavior, law enforcement, and/or public health.~~

(underlined words are added, ~~stricken~~ words are deleted)

SECTION 8. AMENDMENT OF SECTION 6.014, WAKULLA COUNTY CODE OF ORDINANCES. The Table Inset included in section 6.014(h), Wakulla County Code of Ordinances is hereby amended to include a new row, as follows:

Code Section	Description of Violation	1st Violation	2nd Violation	3rd Violation & Thereafter
	<u>A violation of the Kennel licensing requirements.</u>	<u>\$75.00</u>	<u>\$150.00</u>	<u>\$300.00</u>

(underlined words are added, ~~stricken~~ words are deleted)

SECTION 9. REPEAL OF SECTION 6.012.3, WAKULLA COUNTY CODE OF ORDINANCES. Section 6.012.3, Wakulla County Code of Ordinances, is hereby repealed in its entirety.

SECTION 10. 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 11. 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:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

Heather Encinosa, Esq.
County Attorney