

ORDINANCE NO. 2023-____

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING CHAPTER 20 (ANIMALS AND FOWL) OF THE SEMINOLE COUNTY CODE; AMENDING SECTION 20.01 (DEFINITIONS); AMENDING SECTION 20.11 (FUNCTION OF SPECIAL MAGISTRATE); AMENDING CHAPTER 20 ARTICLE III (KENNELS); REPEALING SECTION 20.77 (NONCOMMERCIAL KENNELS); AMENDING SECTION 20.81 (APPLICABILITY); AMENDING SECTION 20.83 (STANDARDS FOR CARE); AND AMENDING SECTION 20.136 (VIOLATIONS); PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(g) of the Florida Constitution and Section 125.01, Florida Statutes, the Board of County Commissioners of Seminole County has broad home rule powers to carry out county government; including the power to adopt ordinances to provide for the common good; and

WHEREAS, Seminole County Ordinance No. 74-8 established comprehensive animal control and protection in Seminole County, which included the creation of the Animal Control Board and outlined the regulation of animal treatment, management, and licensing; and

WHEREAS, in order to preserve the public peace and good order, and to safeguard the health, safety, and general welfare of the community and citizens of Seminole County, it is necessary and advisable to amend Chapter 20 (Animals and Fowl) of the Seminole County Code; and

WHEREAS, the Seminole County Standards of Care Certificate is being created to replace the Seminole County Animal Services Commercial Kennel License; and

WHEREAS, the Seminole County Standards of Care Certificate more will effectively promote the goal of advancing animal welfare; and

WHEREAS, multiple sections of Chapter 20 must be amended to achieve conformity in
28 implementing the Seminole County Standards of Care Certificate; and

WHEREAS, substantive amendments as well as technical amendments to those sections
30 of Chapter 20 affected by the replacement must be made to achieve consistency; and

WHEREAS, Article II, Section 2.2(D) of the Seminole County Home Rule Charter
32 requires an Economic Impact Statement be prepared to address the potential fiscal impacts and
economic costs of this Ordinance upon the public and taxpayers of Seminole County, and such
34 Economic Impact Statement has been prepared and has been made available for public review and
copying prior to the enactment of this Ordinance unless waived by a majority plus one vote of the
36 entire Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
38 **COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings
40 of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Chapter 20 (Animals and Fowl) of the Seminole County Code is hereby
42 amended to read as follows:

Chapter 20

ANIMALS AND FOWL

PART 1. ANIMAL CONTROL

ARTICLE I. IN GENERAL

Sec. 20.01. Definitions. The following definitions apply to this Part:

* * *

Boarding. Housing dogs or cats for one or more overnight periods when provided as a service for payment by any business or sole proprietorship, including overnight housing services connected to exercising and training dogs and cats. This does not include animal hospitals or veterinary clinics providing overnight housing for dogs and cats to recover from medical procedures or any other temporary day time housing service that does not include one or more overnight periods.

* * *

~~Commercial kennel:~~ Any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This term does not include animal hospitals or beauty parlors unconnected with boarding.

* * *

~~Kennel License:~~ A license issued by the Animal Services Department to residences or entities engaged in Hobby Breeding, housing rescue animals, or maintaining dogs or cats that exceed the maximum threshold established in Section 20.83(i) of this Code, for the purpose of requiring annual inspections by Animal Services staff of such residences or entities to ensure quality standards of care for animals under Section 20.83.

* * *

~~Noncommercial kennel:~~ Any premises or structure used to house dogs or cats of a hobby breeder other than inside one's home, and that is on the same property where the hobby breeder resides. This term includes premises that exceed the maximum threshold for dogs and cats in Section 20.83(i).

* * *

Standards of Care Certificate. A certificate issued annually by the Animal Services
72 Division to persons or entities engaged in activities defined in Section 20.71 of this Code for the
purpose of requiring annual inspections by Animal Services staff of specified premises to ensure
74 quality standards of care for animals under Section 20.83.

* * *

76 **Sec. 20.11. Function of Special Magistrate.**

(a) The Special Magistrate has the authority to hear appeals on dangerous dog
78 determinations in accordance with Section 20.24 and Section 20.27 of this Code.

(b) The Special Magistrate has the authority to hear and determine appeals by any
80 person firm, or corporation aggrieved by the issuance or denial of a ~~license~~ certificate or permit by
the Animal Control Official. All decisions of the Special Magistrate on any such appeal will be
82 final, subject only to review by a court of competent jurisdiction upon petition by the applicant.

* * *

84 **ARTICLE III. ~~KENNELS~~ STANDARDS OF CARE CERTIFICATE**

Sec. 20.71. ~~Commercial license~~ Standards of Care Certificate required. ~~It is unlawful~~
86 ~~for any person owning or operating a commercial kennel within the County to fail to register such~~
~~kennel with the Animal Control Official and obtain a license.~~

(a) It is unlawful for any person or entity except as provided below to fail to obtain a
Standards of Care certificate prior to engaging in any of the following activities in Seminole
90 County:

- (1) Buying, selling, re-homing, or adopting of dogs and cats, whether as a for-
92 profit or not-for-profit enterprise, including operating an animal rescue organization or shelter;
- (2) Boarding dogs or cats as defined in Section 20.01;

(3) Operating or managing an animal-based business accepting payment for providing or offering any of the following services for dogs or cats: housing, boarding, buying, selling, re-homing, or adopting of dogs and cats;

(4) Hobby breeding as defined in Section 20.01; or

(5) Exceeding the animal limits per residence as defined in Section 20.83(i);

(b) Exemptions. The following entities are exempt from the Standards of Care Certificate requirement:

(1) Animal hospitals that do not provide or offer boarding;

(2) Animal training facilities that do not provide or offer boarding; and

(3) Grooming facilities that do not provide or offer boarding.

Sec. 20.72. Cost of ~~license~~ certificate; issuance generally.

(a) ~~Licenses for commercial kennels~~ Standards of Care Certificates shall be issued after completion of an application and payment of such ~~license~~ certificate fee as shall be established by duly adopted resolution of the Board of County Commissioners. If the ~~license~~ certificate is not secured within sixty (60) days after the kennel becomes subject to these licensing provisions of engaging in an activity regulated by Section 20.71, or within sixty (60) days after the expiration date of the prior licensing period, such penalty fee as shall be established by duly adopted resolution of the Board of County Commissioners shall be added to the cost of the ~~license~~ certificate.

(b) The fee for any ~~license~~ certificate issued to a ~~kennel~~ certificate holder who first becoming becomes subject to the ~~licensing~~ certificate provisions after March 31st of any calendar year shall be one-half of the full fee for that year.

(c) If a ~~license~~ certificate is lost or damaged, the ~~license~~ certificate holder may secure a duplicate by making payment of such fee as shall be established by duly adopted resolution of the Board of County Commissioners.

(d) Unless approved by the Animal Control Official, no refunds for Standards of Care Certificates shall be issued.

Sec. 20.73. Duration of ~~license~~ certificate. A ~~license for commercial kennels~~ Standards of Care Certificate shall be issued for each fiscal year beginning October ~~first~~ 1st and ending September ~~thirtieth~~ 30th upon a payment of the proper fee.

Sec. 20.74. Contents of ~~license~~ certificate. All ~~licenses for commercial kennels~~ Standards of Care Certificates shall have a number and show their expiration date.

Sec. 20.75. Display and inspection of ~~license~~ certificate. The ~~license~~ certificate required by this Part shall be prominently displayed ~~in at the kennel's premises~~ location where the regulated activity occurs and be readily available for public inspection.

Sec. 20.76. Care of animals ~~in licensed kennel~~.

(a) Every person ~~owning and operating a commercial kennel~~ or entity holding a Standards of Care Certificate or engaging in activities regulated by Section 20.71 within the County shall properly feed and care for all animals in their custody.

(b) The premises ~~of such kennel~~ at which the regulated activity occurs will be periodically inspected ~~during reasonable business hours~~ by the Animal Control Official, who will issue a notice of violation ~~if upon observing any kennel is found in~~ upon observing any kennel is found in violation of any requirement of this Part during the inspection. Such premises will be reinspected within three business days after issuance of such notice of violation.

138 ~~(b)-(c)~~ The failure to correct such violation after notice is unlawful and the Animal Control
Official is authorized to ~~close the kennel~~ issue citations, ~~revoke kennel owner's license the~~
140 Standards of Care Certificate, file a complaint with the State Attorney's Office or take any
combination of these actions in addition to any other remedy provided by law. No new ~~license~~
142 certificate will be issued to the ~~owners of the kennel~~ certificate holder for a period of three (3)
years, unless found not guilty on all charges filed by the State Attorney or the ~~kennel owner's~~
144 ~~restriction~~ certificate holder is waived granted a waiver by the Animal Control Official upon a
showing of rehabilitation by the ~~applicant~~ certificate holder. The Animal Control Official may
146 place such conditions on the issuance of such a ~~license~~ certificate holder as he or she deems
necessary to protect the public interest and welfare of animals.

148 (d) When neglect of animals or failure to feed and care for animals causes any animal(s)
located at the premises at which the regulated activity occurs to require veterinary care or causes
150 loss of life of any animal(s), the Standards of Care Certificate may be rescinded or revoked.

 (e) The Standards of Care Certificate shall be revoked if a certificate holder, or
152 representative of the certificate holder, refuses to allow inspection of any premises or structures
where the activity regulated by the certificate occurs.

154 (f) The Standards of Care Certificate shall be revoked if a certificate holder does not
allow an inspection of the premises at which the regulated activity occurs within forty-eight (48)
156 hours of receiving notification that the Animal Control Official has received a reliable report from
an identified source that animal cruelty or neglect is occurring at the premises at which the
158 regulated activity occurs.

~~**Sec. 20.77. Noncommercial kennels.** It shall be unlawful for the owner or operator of any noncommercial kennel to allow said 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.~~

~~**Secs. 20.78**~~ **20.77—20.80. Reserved.**

ARTICLE IV. CARE AND HOUSING OF ANIMALS

Sec. 20.81. Applicability. Every person, within the County of Seminole, who owns any animal or who owns, conducts, manages or operates any animal establishment for which a ~~license~~ certificate is required by the Part, shall comply with the following Sections, if applicable.

Sec. 20.82. Housing

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain, and to restrict the entrance of other animals.

(b) Any bedding utilized shall be clean and dry. All animal rooms, cages, ~~kennels~~ enclosures, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept within.

(c) Cages. All cages, ~~are~~ are to be constructed of a nonabsorbent porous material. All cages, except bird cages, shall have floors of either solid construction or woven or wire mesh construction or any combination thereof. Cages having woven or wire mesh floors may be used to confine animals provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined therein. Cages having wire construction shall be constructed of wire which is of sufficient thickness so as to preclude injury to the animals confined therein. Cages shall be of sufficient height to permit every animal confined therein to stand, turn

and to lie down flat. No cages shall be enclosed entirely by solid walls. Stacked cages shall have solid floors.

(d) Separation of animals by Species. Animals, except fish, of different species may not be confined or displayed in the same cage. All animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained or inclined by nature that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies and shall not be required to be kept in separate runs or accommodations or otherwise segregated.

(e) Ventilation and Lighting. All areas in which animals are confined shall be connected to an outside ventilating system or some other appropriate means of ventilation and air filtration shall be provided. The area shall be illuminated during the daylight hours but not directly into cages.

(f) Whenever an animal is left unattended at a commercial animal facility, the name and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property, visible from outside the facility.

Sec. 20.83. Standards for care.

(a) Every ~~licensed facility~~ certificate holder shall keep a permanent record of the deaths of any warm-blooded animals, excluding rodents, under its control. Such record must state species of the deceased animal and the date and the cause of death, if known. These records must be open to inspection by the Animal Control Official.

(b) Disease or illness. Any animal which exhibits symptoms of disease or illness must be separated to the greatest extent possible from other healthy animals. No animal that is known

to have, or may reasonably be suspected of having, a disease contagious or communicable to humans may be exposed to or offered for sale to the public.

(c) Drinking Water. Fresh water must be continuously available to all animals and replaced whenever necessary during each day, including Sundays and Holidays.

(d) Feeding. All animals requiring the daily intake of food must be fed at least once every 24-hour period, including Sundays and Holidays. The type of food provided must be appropriate for each particular species and must be of sufficient nutritive content for the health and well-being of the species.

(e) Sanitation. All areas of confinement, display and sales and storage areas must be maintained in a healthful and sanitary condition. These areas must be cleaned and disinfected regularly as conditions warrant. Feed and water dishes must be emptied and cleaned at least once daily, including Sundays and Holidays.

(f) Treatment. All animals exhibiting symptoms of illness or disease must be treated by a licensed veterinarian. If required, diseased animals must be euthanized in a humane manner under the supervision of a licensed veterinarian or Animal Control Official.

(g) No animal may be transported by private or public means in an open vehicle, unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water. The container must have an open grill at one end, have a solid top and bottom, and have a minimum of fifteen percent (15%) of the total accumulated side and end area incorporate an open grill for air circulation.

(h) Every ~~licensed facility~~ certificate holder shall keep on record a medical statement from or notation of consultation with a licensed veterinarian, if for any reason an animal in its care would need to be exempted from any requirement of this Section.

(i) In all non-agriculturally zoned districts outside the rural boundary, dogs are limited to no more than six (6) per residence and cats are limited to no more than eight (8) per residence.

A ~~Kennel License~~ Standards of Care Certificate is required for any household that exceeds this threshold.

(j) Pet owners and Community Cat Caregivers are prohibited from leaving pet food and food bowls unattended or during hours of darkness for pets or Community Cats, unless kept in a secured ~~enclosed kennel~~ enclosure with a roof or in cases where food is placed inside a trap in an effort to capture an animal. Pet owners and Community Cat Caregivers must make every effort to minimize the impact on local wildlife, which includes, but is not limited to, storing pet food in a secure area that does not attract local wildlife. Pet owners and Community Cat Caregivers who reside in area that is a designated Urban Bear Management Area, as defined in Chapter 258 of this Code, must store pet food in a Secured Structure or in a Residential Bear Resistant Refuse Container. Measures must be taken to mitigate problems with other residents including, but not limited to, discarding food that is left over to prevent it from becoming rancid and attracting pests. Feeding areas must be kept free of debris. If feeding is being conducted on another's property, consent must be obtained from the property owner.

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Sec. 20.136. Violations; issuance of citations; mandatory court appearance.

(a) Noncriminal infractions of the Animal Control Ordinance for which citations may be issued include but are not limited to:

(1) Unlawful interference with any Animal Control Official or his or her employee in the performance of their duties. (Section 20.10, SCC)

(2) Animals at large. (Section 20.17, SCC)

(3) Animals that defecate on private or public property. (Section 20.18, SCC)

(4) Animals that repeatedly or excessively bark, cry, howl, whine, or cause other objectionable noises which disturb the comfort, peace, quiet or repose of any person residing in the vicinity excluding property classified as Agricultural by the Seminole County Property Appraiser or noises from a commercial kennel building. (Section 20.19, SCC)

(5) Animals that damage or destroy property; or injure a person or animal. (Section 20.20, SCC)

(6) Offensive odors from animal or the premises that extend beyond the property line upon which the animal is maintained which disturb the comfort, peace or repose of any reasonable person residing in the vicinity, excluding odors caused by livestock animals in properties zoned for agricultural purposes. (Section 20.21, SCC)

(7) Failure to confine any dangerous dog. (Section 20.23, SCC)

(8) Failure to comply with Dangerous Dog Certificate of Registration requirements. (Section 20.28, SCC)

(9) Failure to comply with Aggressive Dog certificate requirements. (Section 20.31(d), SCC)

(10) Failure to have rabies-susceptible animal vaccinated. (Section 20.51, SCC)

(11) Failure to impound rabies-susceptible animal suspected of having rabies or placing the animal in custody of a licensed veterinarian. (Section 20.58, SCC)

(12) Failure to ~~register kennel with~~ obtain a Standards of Care Certificate from the Animal Control Official and obtain a license prior to or within sixty (60) days of engaging in an activity regulated by Section 20.71. (Section 20.71, SCC)

(13) Improper disposition of dead animals. (Section 20.36, SCC)

(14) Prohibited retail sale of dogs and cats in public places. (Section 20.183, SCC)

(15) Prohibited retail sale of dogs and cats in a pet shop. (Section 20.182, SCC)

(16) Prohibited inhumane treatment of wild or exotic animals on display. (Section 20.16(b), SCC)

(17) Prohibited Backyard Breeding. (Section 20.185, SCC)

(18) Failure of a Standards of Care Certificate holder to properly feed and care for all animals located at the premises at which a regulated activity occurs. (Section 20.76, SCC)

(19) The foregoing violations endeavor to include all noncriminal infractions currently contained in Chapter 20, Seminole County Code (Animal Control Ordinance), but do not purport to be all inclusive. Any noncriminal infraction subsequently included in Chapter 20, Seminole County Code, or its successor may be enforced by enforcement officers or any law enforcement officer and they are authorized to issue citations for violations of subsequently included noncriminal infractions without further amendment to this Part.

* * *

Sec. 20.182. Retail sale of dogs and cats.

(a) An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. It also means that pets purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for sale.

(b) No pet shop shall offer dogs or cats in Seminole County, unless the dog or cat was obtained from:

(1) An animal shelter;

(2) An animal rescue organization.

(c) This adoption-based business model for the retail sale of dogs or cats in the County applies to any pet shops opened, transferred, assigned, or sold by owners of existing pet shops after the effective date of the Ordinance.

(d) An official certificate of veterinary inspection must accompany the sale of any cat or dog transported into the state, in compliance with Section 828.29(3), Florida Statutes (2021), as this statute may be amended from time to time.

(e) Pet shops shall post and maintain a certificate of source, as defined in Part 1, on each animal's cage, ~~kennel~~, or enclosure, within clear view, and shall provide a copy of the certificate to the purchaser or transferee of any such dog or cat sold or transferred.

(f) Pet shops shall maintain records, stating the name, address, telephone number and email of the animal shelter or animal rescue organization from which each dog or cat was acquired for three (3) years following the date of acquisition or in accordance with the required relation time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, and maintain a copy of the record for the previous year subject to inspection by the County's animal control officers or any other County officials charged with enforcing the provisions of this Section.

* * *

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

Section 4. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 5. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this _____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

AMY LOCKHART, Chairman

DTE/sjs
4/3/23
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