

ORDINANCE NO. 2011-\_\_\_\_\_

AN ORDINANCE PROVIDING THE MAXIMUM NUMBER OF DOGS AND/OR CATS ALLOWED ON PARCELS OF REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY WITHOUT A PERMIT; PROVIDING THE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE, SUSPENSION AND REVOKING OF SUCH PERMITS; PROVIDING FOR THE CHARGING OF FEES FOR THE ISSUANCE AND RENEWAL OF SUCH PERMITS; PROVIDING FOR THE OPERATING STANDARDS (INCLUDING RECORD KEEPING, HOUSING, PHYSICAL FACILITIES, VENTILATION, SHELTERS, BEDS, ENCLOSURES, SPACE, FOOD AND WATER AND CLEANING) OF ESTABLISHMENTS WISHING TO RECEIVE SUCH PERMIT; PROVIDING FOR THE INSPECTION OF FACILITIES WHICH HOLD SUCH PERMITS; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MADISON COUNTY:

1. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory, and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

*Adult dog or cat* shall mean any dog or cat that is six (6) months of age or older.

*Animal* shall mean any living vertebrate other than a human being.

*Animal care and control division or division* shall mean an entity of the Board.

*Animal control officer/code enforcement officer* shall mean any person employed by the

County whose duty it is to enforce codes and ordinances pursuant to Section 162.21, Florida Statutes and including county animal care and control ordinances and as defined in Section 828.27(1)(b), Florida Statutes and other applicable state laws.

*Authorized veterinarian/clinic* shall mean any person licensed or permitted to practice veterinary medicine under the laws of the state and such person shall have had no previous incidents where money collected from the sale of rabies/license tags has been used/handled inappropriately or illegally.

*Board* shall mean the board of county commissioners of the county.

*Breeding* shall mean sexual intercourse or artificial insemination of an animal, the result of which may be offspring.

*Certificate of veterinary inspection* shall mean a certificate, issued and signed by an examining veterinarian duly licensed by the State of Florida, attesting that the establishment has been inspected by such veterinarian and that he or she has found (a) for a permitted EAH, that the EAH is in compliance with all reasonable standards of good animal care practices and that the veterinarian does not believe that the EAH will pose a substantial risk to the public health safety and/or welfare, or (b) for an establishment for which no permit is presently effective, that the establishment is in compliance with all reasonable standards of good animal care practices and that the veterinarian does not believe that if the permit is granted, the EAH will pose a substantial risk to the public health safety and/or welfare.

*County* shall mean Madison County, a political subdivision of the State of Florida.

*Domestic animal* shall mean any dog, cat, horse, pony, mule, cow, goat, sheep, pig,

chicken, goose, duck, or rabbit that is owned by a person or any animal defined in Section 585.01, Florida Statutes that is owned by a person.

*EAH* shall mean an excess animal habitat.

*Excess animal habitat* shall mean any parcel of property on which the maximum number of dogs and/or cats provided in this ordinance has been exceeded.

*Harborer or caregiver* shall mean any person who provides care, shelter, protection, refuge, or nourishment to an animal or undertakes the responsibility to do so.

*Hobby breeder* shall mean any person who intentionally or unintentionally causes or allows the breeding or studing of a dog or a cat or engages in the breeding of up to two (2) litters of dogs or cats or nineteen (19) dogs or cats per household or premises per calendar year, whether or not such animal(s) are made available for sale, adoption, or other placement.

*Humane society* shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane society accepts members from the public at-large and the controlling board is elected by the general membership. A humane society operates from a business facility on commercially zoned property and has advertised and set hours for public access.

*Humane trap* shall mean any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps or similar devices are considered inhumane and shall not be used.

*Injury* shall mean any physical injury that results in breaking the skin, a bite, or a

laceration of the skin.

*Owner* shall mean any person, firm, corporation, organization, humane society, public or private nonprofit organization, harborer, or caregiver who owns, keeps, harbors, possesses, or has control or custody of an animal. If the person purporting to own an animal is a minor as defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

*Permit* shall mean an excess animal habitat permit issued by the County.

*Person* shall mean any natural person, society, firm, corporation, partnership, association, humane society, public or private nonprofit organization, other legal entity, public or private institution, municipal corporation, unit of local government or other business unit and every officer, agent, or employee of such business unit. If the person is a minor as defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

*Premises* shall mean any parcel of land and the structures thereon.

*Private animal nonprofit organization* shall mean any person, group or corporation which is registered as a nonprofit organization according to state law and is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats. "Rescue" shall include legally receiving dogs and/or cats from shelters or owners, and providing medical or behavioral rehabilitation for placement into new homes. Breeding of rescue dogs or cats is prohibited.

*Public road* shall mean any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground, easements and tunnels.

*Quarantine* shall mean the strict confinement, isolation and observation of an animal suspected of having rabies or any other infectious zoonotic disease.

*Secure enclosure* shall mean a locked pen or structure constructed to prevent an animal from escaping over, under or through the enclosure. The enclosure shall have secure sides and a top.

*Stable, commercial* shall mean those premises where:

- (1) More than four (4) equine are kept which do not belong to the owner or operator of the premises; or
- (2) Equine are kept for boarding, pasturing, breeding, riding, training, riding lessons, resale or rearing, and for which advertising is used to promote such activities.

"Advertising" shall mean any written statement (excluding real property leasehold arrangements) made in connection with the solicitation of such businesses and includes without limitation, statements and representations made in a newspaper or other publication, or on radio or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.

*Stable, private* shall mean those premises where up to four (4) equine are kept which do not belong to the owner or occupant of the premises.

2. Number of animals; acreage restrictions; excess animal habitats.

- 2.1 It shall be lawful for any person to keep the following number of dogs and/or cats on parcels of real property, in the unincorporated area of the County, of the following size.

<u>Acreage of the Parcels</u>	<u>Allowable Number of Dogs and/or Cats</u>
1.5 acres or less	10 or fewer
1.5 acres - 2.5 acres	20 or fewer
2.5 acres or greater	30 or fewer

2.2 It shall be unlawful for any person to keep, or allow to be kept on his or her property, in the unincorporated area of the County, dogs and/or cats in excess of the number provided above unless such person has a duly issued, valid and effective excess animal habitat permit (hereinafter a “permit”) issued by the County. Acreage determination excludes easements for roads or other areas that must allow public egress and ingress. All property used to meet the above acreage requirements must be contiguous. References to dogs and cats only refer to dogs and cats older than eight (8) months. There are no restrictions on the number of dogs and cats younger than eight (8) months old that can be on the premises.

3. Excess animal habitat permit procedures.

3.1 No person shall maintain an EAH without first obtaining a permit from the County.

3.2 Any person desiring a permit shall file an application for such permit with the County on a form provided by the County. Such applications shall show that the EAH shall meet the minimum requirements and standards, as set forth herein and shall not pose a substantial risk to the public health, safety, and/or welfare. The application shall be made by the owner of the property on which the EAH shall be maintained or shall be accompanied by an acknowledgment and consent of such

owner.

- 3.3 A permit shall be issued only after the County completes an inspection and determines that the EAH shall meet the minimum requirements and standards, as set forth herein and shall not pose a substantial risk to the public health, safety, and/or welfare.
- 3.4 The permit is valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. The permit may be renewed provided the EAH meets all of the requirements for an initial issuance of a permit and such is confirmed by a County inspection. A permit is not transferable, assignable or refundable. Renewal applications for permits shall be made no later than thirty (30) days prior to the expiration date.
- 3.5 Each separate place of business or property shall be required to have a permit.
- 3.6 If there is a change in ownership of the real property on which an EAH is maintained, the applicable permit shall expire of its own volition 30 days thereafter. The new owner may apply for a permit and, provided such application meets the requirements set out herein be issued a permit. The holder of a permit shall immediately notify the County of any change of ownership of a permitted EAH.
- 3.7 As part of the application process for the issuance or renewal of a permit, the applicant shall provide, at the applicant's cost, a Certificate of Veterinary Inspection. The inspection upon which the Certificate of Veterinary Inspection is based shall have been made with the most recent 30 days prior to the date the

application is filed.

4. Fees. The County shall charge a fee for the acceptance and processing of any application for a permit or an application for a renewal of a permit. Such fee shall be non-refundable regardless of whether the permit is issued or renewed. The fee shall be paid at the time of the application is filed. No application shall be considered unless and until all applicable fees have been paid. The amount of the fee shall be established by written resolution of the Board and may, from time to time, be amended by written resolution of the Board. The Board shall set the amount of the fee to fairly compensate the County for the review and processing of the application and other matters necessary for the consideration thereof. In the absence of any written resolution setting the amount of such fee, the fee shall be \$ \_\_\_\_\_.
5. Permit - Requests for More Information by the County. During its review and consideration of the application for a permit the County may require, and upon request the applicant shall timely provide, such other and additional information as the County may reasonably need to show that the requirements of this ordinance and all applicable Federal, State or local laws, rules and regulations shall be met and shall not pose a substantial risk to the public health, safety, and/or welfare. The County may similarly require additional information at any time or times while the permit is effective.
6. Permit – Grant or Denial. The Board shall determine whether the County issues a permit. No permit shall be granted unless the Board finds that the application and the EAH meet the requirements of this ordinance and that the EAH will not pose a substantial risk to the public health, safety or general welfare. The Board may find that a location is unsuitable



even if in the proper zone. If the Board decides to grant a permit, it shall determine the maximum number of dogs and/or cats allowed on the EAH. Further, the Board may grant the permit with such conditions as it finds necessary to accomplish the purpose of this ordinance. All permits shall be given in writing and shall state on their face the maximum number of dogs and/or cats permitted for the EAH and all other relevant conditions imposed by the Board.

7. Modification, Suspension or Revocation of Permit. The Board may modify, suspend or revoke an issued permit for any just reason, including but not limited to any non-compliance with this ordinance, non-compliance with the conditions of the permit, non-compliance with any Federal, State or local law, rule or regulation or a determination that the EAH poses a substantial risk to the public health, safety, and/or welfare. The Board shall only modify, suspend or revoke an issued permit after hearing held after giving reasonable notice to the holder, unless the Board determines that it must act immediately to protect the public health, safety, and/or welfare. Neither the holder nor the owner of the real property on which the EAH is permitted, shall acquire any property right by virtue of the issuance of the permit. Such permit may always be modified, suspended and/or revoked by the County as provided herein.
8. Responsibilities of Applicant or Permit Holder upon Denial, Suspension or Revocation of Permit. Should the County deny an application for an EAH or revoke or suspend a permit for an EAH, the establishment shall be required to humanely dispose, by means of returning to owner, sale, auction, gift or other humane method, all animals in its possession, within ten (10) days after such suspension or revocation. The County must

receive written notification of the disposition and location of each animal. If after ten (10) days the animals have not been humanely disposed of, as described above, the County shall attempt to notify owner(s) and may seize and impound any animals found to be housed or kept in violation of this ordinance and/or Section 828.027, Florida Statutes. Such animals shall be held for fifteen (15) days and may then be sold or humanely disposed of at the discretion of the County. The total expense of harboring and treating such animals by the County shall be the responsibility of the revoked permit holder or applicant.

9. Limitations on Who May Apply for Permits. No person may be issued a permit or have a permit renewed who:

9.1 Has been denied a permit or a non-renewal or a permit for the same parcel of property within the most recent 60 days.

9.2 Had any permit revoked within the most recent 12 months.

9.3 Has been adjudicated guilty of animal cruelty within the most recent 60 months.

9.4 Owes any unpaid taxes, assessments, rents, fees, fines, penalties or charges of any kind or type to the County.

10. Inspection procedures. Any inspections provided for in this ordinance shall be conducted as follows:

10.1 An inspection form shall be used as a guideline for the inspecting officer and the establishment.

10.2 Inspections of an EAH shall be made without notice, at any reasonable time during daylight hours. All inspections shall be made in the presence of the owner,

manager or person in charge of the establishment whenever possible.

- 10.3 The inspecting officer will complete the inspection form by marking unsatisfactory items. Instructions and comments will be made at the bottom of the inspection form.
  - 10.4 Whenever deficiencies are noted or the County receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the County.
  - 10.5 After the inspection is complete, the owner, manager or person in charge of the EAH shall sign the inspection form whereupon a copy of the completed form will be given to the owner or manager. If the owner or manager is not present, a copy of the form will be mailed to the owner or manager and the original copy will be kept by the County.
  - 10.6 The owner or manager of the establishment shall correct or initiate corrections within seven (7) days, unless otherwise stated by the inspecting officer.
11. General Operating Standards for Excess Animal Habitats. Each EAH shall comply with the following minimum general operational standards.
- 11.1 Each EAH will prominently display a current, valid permit.
  - 11.2 Each EAH which accepts privately owned animals into its custody, shall report to the County, any obvious case of neglect or animal abuse pursuant to this ordinance; or Chapter 828, Florida Statutes, "Cruelty to Animals." The County's phone number shall be posted in a prominent location visible to both employees and customers.

- 11.3 Each EAH shall meet all fire safety requirements in accordance with the local fire, zoning and building regulations. A posted plan and diagram to evacuate all animals in case of fire shall be provided in a prominent location.
- 11.4 Each EAH shall have a working telephone available at all times in case of an emergency. The name of the EAH's veterinarian and the veterinarian's phone number shall be posted and made available to all employees and customers.
- 11.5 Every owner or manager must provide for adequate rodent and insect control.
- 11.6 Each EAH shall have sufficient lighting to permit routine inspection and cleaning of the facility, and clear observation of the animals. Animal areas must be lighted for at least eight (8) hours a day, by either natural or artificial light, corresponding to the natural period of daylight. If only artificial light, such as florescent light is provided, it must provide full-spectrum illumination. Animal enclosures must be placed so as to protect animals from excessive light.
- 11.7 All areas of each EAH shall be clean, orderly and free of garbage, unused food, standing water, litter or refuse. Garbage shall be kept in garbage cans with lids and disposed of daily.
- 11.8 Animal excrement shall be removed by spot cleaning regularly throughout the work day.
- 11.9 All cleaning solutions and disinfectants shall be stored and used in accordance with the manufacturer's instructions, properly labeled as to content, and shall be stored so as to not come into any contact with animals.
- 11.10 All equipment, buildings, appurtenances, plumbing, electrical wiring and

electrical appliances/equipment shall be in good repair and appropriate for intended use.

- 11.11 Wherever animals are housed or cared for, floors, moldings, walls, shelves and work areas shall be of a nonporous material impervious to fecal matter and urine and which can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or wall covering shall not be used wherever animals are housed or maintained.
- 11.12 All aisles shall be kept clear to provide safe, free access throughout the EAH.
- 11.13 EAHs which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in their custody will be in violation of this ordinance and/or Ch. 828, Florida Statutes, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.
- 11.14 Bodies of dead animals must be disposed of in a sanitary fashion and in accordance with all applicable Federal, State and Local laws, rules and regulations.
- 11.15 Record keeping
  - 11.15.1 Every EAH shall keep records on all animals currently boarded, housed and/or being trained. These records shall be maintained on each animal individually. All animals shall be collared or otherwise sufficiently marked or numbered so that they may be readily identified and matched to their individual records.
  - 11.15.2 The information in these records shall include but not be limited to

rabies vaccination, all other inoculations and prescription or medical treatment administered and records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.

11.15.3 If the animal is not owned by the permit holder, a medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while at the EAH.

11.15.4 Veterinarian inspection certificates shall be kept on file at all times on the premises and available to the inspecting officer upon request for all animals available for sale. These certificates shall be maintained on file for one (1) year.

#### 11.16 Animal housing requirements

11.16.1 Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.

11.16.2 Applicable county and state health regulations must be followed when caring for any animal harboring an animal-to-human disease.

#### 11.17 Physical facility requirements

- 11.17.1 Floors and cage walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine and which can be easily disinfected. The floors shall slope toward the drains or troughs.
- 11.17.2 The premise shall have drainage and plumbing adequate to handle the heavy load of daily cleaning.
- 11.17.3 Indoor/outdoor housing facilities - Heating, cooling and temperature:
  - 11.17.3.1 The indoor part of indoor/outdoor housing facilities for dogs and cats must be sufficiently heated and cooled to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.
  - 11.17.3.2 When animals are present, the ambient temperature in the facility must not fall below forty (40) degrees F (four and one-half (4.5) degrees C) for animals not acclimated to lower temperatures. Such animals would include those species which cannot tolerate lower temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals).
- 11.17.4 Indoor/outdoor housing facilities - Ventilation:
  - 11.17.4.1 The enclosed or sheltered part of housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats

are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

11.17.4.2 Air, preferably fresh air, must be provided through windows, doors, vents, fans or air-conditioning.

11.17.4.2 Auxiliary ventilation, such as exhaust fans or air-conditioning, must be provided when the ambient temperature is ninety (90) degrees F (thirty-two and one-half (32.5) degrees C) or higher.

11.17.5 Outdoor housing facilities - Shelter from the elements. Shelters in outdoor facilities for dogs and cats shall:

11.17.5.1 Provide the dogs and cats with adequate protection and shelter from the cold and heat;

11.17.5.2 Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind and rain;

11.17.5.3 Be provided with a wind break and rain break at the entrance;

11.17.5.4 Contain clean, dry, bedding material;

11.17.5.5 When the outdoor temperature falls below forty (40) degrees F (four and one-half (4.5) degrees C), all cats, small domestic animals and those dogs which cannot tolerate such temperatures without stress or discomfort (i.e., short-



haired breeds, sick, aged, young and infirm), must be either moved indoors or adequate heating must be provided to maintain the temperature above the forty (40) degrees F (four and one-half (4.5) degrees C) range.

11.17.5.6 Animals must be protected from the elements at all times.

11.17.6 Individual beds or an appropriate platform is recommended to prevent animals from lying directly on the floor. This requirement is optional whenever the animal rejects the bed or platform.

11.17.7 Animal enclosures.

11.17.7.1 Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. The animal enclosures must be kept in good repair.

11.17.7.2 Animal enclosures must be constructed and maintained so they:

11.19.7.2.1 Have no sharp points or edges which could injure the dogs and cats;

11.19.7.2.2 Protect the dogs and cats from injury;

11.19.7.2.3 Keep predators and unauthorized individuals from accessing the enclosure;

11.19.7.2.4 Enable the dogs and cats to remain dry and clean;

11.19.7.2.5 Provide shelter and protection from extreme temperatures and weather conditions that may be

- uncomfortable or hazardous to the dogs and cats;
  - 11.19.7.2.6 Are shaded to shelter all the dogs and cats housed in the animal enclosure;
  - 11.19.7.2.7 Provide the dogs and cats with easy and convenient access to clean food and water;
  - 11.19.7.2.8 Enable all surfaces in contact with the dogs and cats to be readily cleaned and disinfected; and
  - 11.19.7.2.9 Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury, and that if of mesh or slatted construction, will not allow the dogs' and cats' appendages to pass through any openings in the floor.
  - 11.19.7.2.10 Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals, except for training and sleeping purposes and in temporary situations for animals with medical, mental or behavioral problems stipulated and certified by a State of Florida licensed veterinarian.
- 11.17.7.3 Space requirements for dogs housed more than eight (8) hours:
- 11.17.7.3.1 Guidelines for minimum sizes for indoor/outdoor

dog runs for large dogs over fifty (50) pounds shall be twenty-four (24) square feet.

11.17.7.3.2 Guidelines for minimum sizes for indoor/outdoor dog runs for medium dogs thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.

11.17.7.3.3 Guidelines for minimum sizes for indoor/outdoor dog runs for small dogs twenty-one (21) to thirty-five (35) pounds shall be twelve (12) square feet.

11.17.7.3.4 Guidelines for minimum sizes for indoor/outdoor dog runs for dogs eleven (11) to twenty (20) pounds shall be eight (8) square feet.

11.17.7.3.5 Guidelines for minimum sizes for indoor/outdoor dog runs for dogs ten (10) pounds and under shall be six (6) square feet.

11.17.7.3.6 The interior height of an indoor/outdoor dog run must be at least six (6) inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

11.17.7.4 Space requirements for cats.

11.17.7.4.1 Each cat (including weaned kittens) that is housed in any animal enclosure must be provided minimum

vertical space and floor space as follows:

11.17.7.4.1.1 Each animal enclosure housing cats must be at least twenty-four (24) inches high;

11.17.7.4.1.2 Cats up to and including nine (9) pounds must be provided with at least three (3) square feet; and

11.17.7.4.1.3 Cats over nine (9) pounds must be provided with at least four (4) square feet.

11.17.7.4.2 Compatibility.

11.17.7.4.2.1 All cats housed in the same animal enclosure must be compatible and have the same owner.

11.17.7.4.2.2 No more than twelve (12) adult cats may be housed in the same animal enclosure.

11.17.7.4.2.3 Queens in heat may not be housed in the same animal enclosure with any mature males, except for breeding purposes.

11.17.7.4.2.4 Queens with litters may not be housed in the same animal enclosure with other adult cats.

11.17.7.4.2.5 Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.

11.17.7.4.2.6 Cats with a vicious or aggressive disposition must be housed separately.

11.17.7.4.3 Cat litter.

11.17.7.4.3.1 In all animal enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

11.17.7.4.3.2 Litter pans shall be cleaned and changed daily or more often when necessary.

11.17.7.4.4 Resting surfaces (perches).

11.17.7.4.4.1 Each animal enclosure housing cats should contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.

11.17.7.4.4.2 The resting surfaces must be elevated, impervious to moisture and able to be easily cleaned and disinfected, or easily replaced when soiled or worn.

11.17.7.4.4.3 The resting surfaces shall not be considered part of the minimum floor space.

11.18 Food and water requirements:

11.18.1 Food shall be stored in rodent, pest and moisture proof containers

with lids. Containers shall be clearly and properly labeled as to contents.

11.18.2 Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn container over.

11.18.3 Food and water shall be fresh, free from contamination, of an appropriate type and in an appropriate amount for each animal

11.19 Cleaning procedures:

11.19.1 Kennels/runs/cages including floors, walls and doors shall be cleaned, disinfected and dried daily.

11.19.2 Dogs and cats shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures.

11.19.3 Drains and walkways adjacent to kennels/runs/cages shall be hosed and disinfected daily.

11.19.4 Kennels/runs/cages shall be spot cleaned as necessary to remove animal excrement throughout the day.

11.19.5 Food dishes and water bowls shall be cleaned and disinfected daily.

11.19.6 Cleaning shall ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

12. County Animal Control Officers.

12.1 County Animal Control Officers shall have the authority to investigate and make

inspections, without prior notice, of every establishment for which a permit has been applied during the pendency of the application and for every EAH for which a permit has been issued during the pendency of the permit and for a period of 6 months after such permit expires or has been revoked.

12.2 It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the County in the performance of his/her duties as set out in this ordinance or in any other Federal, State or local, law, rule or regulation.

12.3 It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the County or to molest or release any animal caught therein.

12.4 No animal that is the subject of a manner of keeping, animal cruelty, dangerous/vicious dog or animal bite investigation may be relocated or ownership transferred pending the outcome of the investigation.

13. Issuance of a Permit does not Entitle Holder to any other approvals or permits. The payment of the fee for the application for a permit and/or the issuance of the permit does not relieve the applicant or holder of the permit from the obligation to pay any other fee, assessment or tax levied by the County or any other governmental body nor the responsibility of obtaining any other or further approvals or permits including but not limited to zoning, building, surface water, ground water, health approvals or permits.

14. Compliance with other laws. The holders of permits shall also comply with all other requirements of Federal, State and local laws rules and regulations including: Ch. 588, Florida Statutes, "Livestock at Large"; Ch. 585, Florida Statutes, "Animal Industry"; Ch.

828, Florida Statutes, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter 10 D-3 Florida Administrative Code, Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health"; No. 10 D-9.21, "Basic Principles No. 13"; No. 10 D-9.22-123, "Sewage"; Madison County Comprehensive Plan; Madison County Land Development Regulations.

15. Not Applicable to Certain Establishments. This ordinance shall not be interpreted to require a permit from a veterinary clinic/hospital, establishments working under the direct authority and control of a veterinary clinic/hospital, humane society, government animal control shelter, hobby breeder or private stable.
16. Consent to Entry. Upon the filing for an application for a permit, all Federal, State and local law enforcement personnel, animal control officers, code enforcement officers, health inspectors, fire inspectors, fire fighters, emergency medical personnel, emergency management personnel, and similar Federal, State and local officers and agents shall be allowed to, without notice, freely enter, remain upon and have access to the property set out in such application. All such persons shall be deemed a "business invitee" of the property owner, and the applicant for the permit. The rights of free access set out herein shall terminate upon the denial of the application for the permit or should a special permit be issued, 6 months after such permit has expired or been revoked. All applicants for a permit, property owners consenting to application for a permit and holders of a permit shall be deemed to have irrevocably consented to the free access rights set out herein by their filing, or consent to the filing, of an application for a permit.
17. Severability Clause. It is declared to be the intent of the Board that if any section,



subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not effect the validity of the remaining portions hereof.

18. Conflict with Other Ordinances. The provisions of this Ordinance which are in conflict with any provisions of any other ordinance shall govern and where there is any conflict the provisions of the other ordinance are rescinded to the extent they conflict with this ordinance.
19. Enforcement. This ordinance may be enforced as follows:
  - 19.1 The County may bring a civil action in any court of competent jurisdiction to enforce or administer this ordinance. The County shall be entitled to an award of costs and reasonable attorney's fees, including appellate fees and costs, in an action successfully enforcing the terms of this ordinance.
  - 19.2 The County may enforce this ordinance by any procedure permitted by Chapter 162, Florida Statutes.
  - 19.3 A violation of any part of this ordinance shall be a misdemeanor punishable in the manner and to the maximum extent provided by general Florida Law.
20. Effective Date. This Ordinance shall become effective upon filing with the Secretary of State of the State of Florida and notification that the Ordinance has been filed with that office, as provided by law.

(The remainder of this page was intentionally left blank.)

Ordained upon due motion, second, after discussion, by majority vote this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

BOARD OF COUNTY COMMISSIONERS  
MADISON COUNTY, FLORIDA

BY: \_\_\_\_\_  
Renetta Parrish  
Chair

ATTEST: \_\_\_\_\_  
Tim Sanders,  
Clerk