

## Chapter 4 ANIMALS<sup>1</sup>

### REDUCED VERSION FOR KENNEL AND GROOMING PARLOR REGULATIONS

#### Sec. 4-1. Short title; applicability.

- (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal Care and Control Ordinance."
- (b) The provisions of this chapter shall be applicable to the incorporated and unincorporated areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided, nothing in this chapter shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

#### Sec. 4-23. **Ken**nel, excess animal habitat, commercial breeder, pet dealer, pet shop, **grooming parlor**, and commercial stable permits.

- (a) *Applicability of this chapter and other laws.*
  - (1) In addition to this chapter, all licensees must comply with: Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch. 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter 64D-3 Florida Administrative Code, Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health"; Unified Land Development Code of Palm Beach County as adopted by Ordinance 92-20, as amended; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and regulations, policies and laws.
  - (2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital establishment working under the direct authority and control of a veterinary clinic/hospital, humane society, private animal nonprofit organization, animal rescue organization shelter or private stable. All other animal establishments as defined in this chapter are required to secure a permit.
- (b) *Permit procedures and requirements.*
  - (1) No person shall operate, solicit business, or advertise an animal establishment without first obtaining an operational permit (hereinafter, "permit") issued by the Division.
  - (2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications. A permit shall be issued only after the Division completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. After approval, a permit shall be issued upon payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. The cost of a permit and other related fees shall be established by the Board by resolution.
  - (3) The permit is valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable except as specifically provided for herein. Renewal applications for permits shall be made at

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least thirty (30) days prior to the expiration date. The Board shall by resolution establish late fees for untimely permit renewal applications. Failure to timely apply for a permit renewal may result in a lapse in the permit.

- (4) A new animal establishment shall use its initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.
- (5) Each separate place of business or property shall be required to have a permit. Each individual mobile grooming unit shall be subject to inspection and shall be required to have a separate permit.
- (6) If there is a change in ownership of any animal establishment, the new owner shall obtain a permit.
- (7) It shall be a condition of the issuance of any permit that the Division shall be allowed, at any reasonable time, to inspect without notice, all domestic animals, all premises where animals are kept, all records pertaining to such animals, and all records pertaining to the business.
- (8) No permit shall be issued without written approval from the Palm Beach County Zoning Division or the applicable municipal zoning office to confirm that the animal establishment may legally operate at the proposed location.
- (9) An animal control officer may conduct an investigation of any complaint concerning any animal establishment within the County.
- (10) If an inspection of an animal establishment reveals noncompliance with this chapter, an animal control officer may issue a citation, setting forth the name of the establishment being cited, to owners or managers of an animal establishment.
- (11) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined that:
  - a. There has been a material misstatement or misrepresentation in the permit application or the permit has been transferred in an effort to avoid the requirements of this chapter;
  - b. The permit holder/applicant/corporation/officer of the corporation has been cited for at least two (2) major violations or five (5) minor violations, within a five-year period, each resulting in the imposition of a fine;
  - c. The permit holder/applicant has outstanding and unsatisfied civil penalties imposed due to a violation of this chapter;
  - d. The permit holder/applicant or a member of the household if a home-based business has been convicted of a violation of law involving cruelty to animals;
  - e. An animal under the care and responsibility of a permit holder/applicant has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death;
  - f. The permit holder/applicant and/or his/her/its employees/agents refuses to allow the inspection of the premises;
  - g. The permit holder/applicant or a member of the household if a home-based business has had a final judgment entered against him/her/it based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute; or
  - h. The permit holder/applicant knowingly employs/employed an employee who has been convicted of a violation of law involving cruelty to animals or who has had a final judgment entered against him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.

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- (12) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided by the Board by resolution.
  - (13) After October 1, 2016, no new permit shall be approved for any pet shop that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet shops that offer for sale dogs or cats may renew their pet shop operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet shop that offers for sale dogs or cats shall not open additional stores.
  - (14) After October 1, 2016, no new permit shall be approved for any pet dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that offer for sale dogs or cats may renew their pet dealer operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet dealer that offers for sale dogs or cats shall not operate from additional business premises.
  - (15) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat Fancier Association or the International Cat Association. No permit shall be issued for any commercial cat breeding operation unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier Association or the International Cat Association.
  - (16) No dog or cat shall be rented or leased and no permit shall be issued for such purpose.
- (c) *Reserved.*
  - (d) *Appeal process.*
    - (1) Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the Division within ten (10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.
    - (2) The appeal must be heard by a Special Master within thirty (30) calendar days after the owner has submitted a notice of appeal. The appeal may be delayed by the Division, the Special Master, or the permit applicant or permit holder beyond the thirty (30) calendar days for good cause shown.
    - (3) The person receiving the notice of adverse action shall, until final disposition of the appeal, take whatever positive measures are necessary to prevent any future violations of this chapter from occurring.
    - (4) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-30, Animal care and control Special Master hearing.
    - (5) The denial, revocation or suspension of the permit shall be upheld or revoked by the Special Master.
  - (e) *Owner requirements following notice of adverse action and/or appeal process.*
    - (1) If the notice of adverse action of denial, revocation or suspension of a permit issued under this section is not appealed, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the deadline to appeal has passed. If the notice of adverse action of denial, revocation, or suspension of a permit issued under this section is upheld on appeal, the animal

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establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the appeal hearing unless otherwise ordered by the Special Master. The permit applicant or permit holder shall provide the Division with written notification of the disposition and location of each animal, including the name, address, and telephone number of each new owner. If the animals have not been humanely disposed of as described above, the Division shall attempt to notify owner(s), if applicable, and may impound any animals found to be housed or kept in violation of this chapter. Such animals may be redeemed in accordance with section 4-12, Redemption and adoption.

- (2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication shall be accompanied by a fee to be established by the Board by resolution.
- (3) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate an animal establishment in the County.

(f) *Inspection procedures.*

- (1) An inspection form shall be used as a guideline for the inspecting officer and the animal establishment.
- (2) Inspections of animal establishments shall be made without notice, during normal business hours or 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.
- (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.
- (4) Whenever deficiencies are noted or the Division receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the Division.
- (5) After the inspection is complete, the owner, manager or person in charge of the animal establishment 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 Division.
- (6) The owner or manager of the animal establishment shall correct or initiate corrections within seven (7) days, unless otherwise stated by the inspecting officer.

(g) ***Minimum general operational standards.***

- (1) Each animal establishment will prominently display a current, valid County animal care and control operational permit.
- (2) Each animal establishment which accepts privately owned animals into its custody, shall report to the Division, any obvious case of neglect or animal abuse pursuant to this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." The Division's phone number shall be posted in a prominent location visible to both employees and customers.
- (3) **Each animal establishment shall meet all fire safety requirements in accordance with the local fire and zoning regulations. A posted plan and diagram to evacuate all animals in case of fire shall be provided in a prominent location.**
- (4) Each animal establishment shall have a working telephone available at all times in case of an emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees and customers.
- (5) Every owner or manager of an animal establishment must provide for adequate rodent and insect control.

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- (6) Each animal establishment 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 fluorescent light is provided, it must provide full-spectrum illumination. Animal enclosures must be placed so as to protect animals from excessive light.
  - (7) All areas of each animal establishment 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. (Commercial stables refer to requirements in subsection (k)).
  - (8) Animal waste shall be removed by cleaning regularly throughout the work day. (Commercial stables refer to requirements in subsection (k)).
  - (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.
  - (10) All equipment, buildings, appurtenances, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for intended use.
  - (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 that 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. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan. (Stables refer to requirements in subsection (k)).
  - (12) All aisles shall be kept clear to provide safe, free access throughout the animal establishment.
  - (13) Animal establishments which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in the animal establishment's custody may be charged for violating section 4-24, Animal care; manner of keeping, of this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.
  - (14) Bodies of dead animals must be disposed of according to this chapter and any and all other applicable County and State regulations, policies and laws.
  - (15) All animals in an animal establishment **must be given a humane existence**, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping.
  - (16) A commercial breeder's permit number shall be included in all advertisements offering a dog or cat for sale.
  - (17) No person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four (4) months of age together without first obtaining an appropriate breeding permit from the Division.
- (h) **Minimum operational standards for kennels**, *commercial breeders, pet dealers and excess animal habitats (EAH).*
- (1) *Record keeping—Kennels, commercial breeders and excess animal habitats.*
    - a. Kennels, commercial breeders and excess animal habitats shall keep records on all animals currently bred, born, boarded, housed and/or being trained. These records shall be maintained on each animal individually.

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- b. The information in these records shall include but not be limited to rabies vaccination, all other inoculations and prescription or medical treatment administered. In addition, kennels shall be required to obtain the owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian. Excess animal habitats shall also include records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.
  - c. 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 in the care and custody of the kennel.
  - d. Commercial breeders shall comply with section 4-25, Dogs and cats offered for sale; health requirements, and shall maintain a separate file for each dog and cat containing all Official Certificate of Veterinary Inspection's (OCVI) and medical records for each individual dog and cat. Such records shall be kept on file at all times on the premises and available to the inspecting officer upon request. Such records shall be maintained for a period of two (2) years after an animal is sold or otherwise disposed of.
  - e. All dogs housed at a kennel for training purposes shall have a training contract. The training contract shall state that the dog is housed specifically for training. The dog shall be housed in an enclosure appropriate for its breed and size to stand or sit erect, lie down in a comfortable normal position, stretch out and turn about freely. The contract shall include notice that the dog will be interacting with other pets in training classes. The contract shall be signed by the dog's owner.
  - f. Commercial breeders shall maintain records of each litter of puppies and kittens born. Such records shall include the date of birth, number of puppies or kittens in the litter, and license tag number of the parents.
  - g. On a monthly basis, commercial breeders shall provide the Division with the name, address, and telephone number of the new owner of any puppy or kitten placed or a notice that no animal was sold during the month.
- (2) *Animal housing requirements—Kennels and excess animal habitats.*
- a. For kennels, dogs must be separated by a wall at least four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the ears), when the dog is standing on all four (4) feet.
  - b. Animals shall be confined and not allowed to run at large on the premises, except with the written approval of the owner of the animal.
  - c. Animals housed in kennels shall be separated in the following manner:
    - 1. Dogs from cats.
    - 2. Unsterilized males from females.
    - 3. Nursing mothers with their young from all others.
    - 4. Boarding dogs from registered guard dogs.

By special request of the owner, as noted in the record, animals from the same household may be boarded together and may be allowed to interact with other animals during supervised play periods.
  - d. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.

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- e. Applicable County and State health regulations must be followed when caring for any animal harboring an animal-to-human disease.
  - f. Kennel operators shall comply with the following requirements:
    - 1. Notify the Division regarding all dogs maintained at their kennel for longer than three (3) months.
    - 2. For any dog kenneled for longer than three (3) months, the kennel operator shall arrange for a professional behaviorist or trainer to visit the dog once every three (3) months for the purpose of evaluation, therapeutic or obedience training.
    - 3. For any dog kenneled for longer than three (3) months, the kennel operator shall have a veterinarian examine the dog prior to the fourth month of confinement and every ninety (90) days thereafter. Dogs not maintained on a heartworm preventative program shall be given an occult heartworm test and started on preventative or treated for same.
    - 4. Each day a minimum of sixty (60) minutes of play, interaction, grooming and/or training shall be provided to each dog.
- (3) **Physical facility requirements—Kennels,** *commercial breeders, pet dealers and excess animal habitats.*
- a. Floors and walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine that can be easily disinfected. The floors shall slope toward the drains or troughs. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan.
  - b. The premise shall have drainage and plumbing adequate to handle the heavy load of daily cleaning.
  - c. Indoor/outdoor housing facilities. Indoor and outdoor housing facilities shall be maintained in accordance with section 4-24, Animal care; manner of keeping.
  - d. Animal enclosures.
    - 1. General requirements.
      - A. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. The animal enclosures must be kept in good repair.
      - B. Animal enclosures must be constructed and maintained so they:
        - i. Have no sharp points or edges which could injure the dogs and cats;
        - ii. Protect the dogs and cats from injury;
        - iii. Keep predators and unauthorized individuals from accessing the enclosure;
        - iv. Enable the dogs and cats to remain dry and clean;
        - v. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;
        - vi. Are shaded to shelter all the dogs and cats housed in the animal enclosure;
        - vii. Provide the dogs and cats with easy and convenient access to clean food and water;

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- viii. Enable all surfaces in contact with the dogs and cats to be readily cleaned and disinfected; and
  - ix. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury and that will not allow the dogs' and cats' appendages to pass through any openings in the floor.
- C. Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals.
- D. Space requirements for dogs:
- i. Indoor/outdoor enclosures for extra large dogs over seventy-five (75) pounds shall be at least thirty-two (32) square feet, per dog.
  - ii. Indoor/outdoor dog enclosures for large dogs fifty-one (51) pounds to seventy-five (75) pounds shall be at least twenty-four (24) square feet, per dog.
  - iii. Indoor/outdoor dog enclosures for medium dogs thirty-six (36) to fifty (50) pounds shall be at least twenty (20) square feet, per dog.
  - iv. Indoor/outdoor dog enclosures for small dogs twenty-one (21) to thirty-five (35) pounds shall be at least twelve (12) square feet, per dog.
  - v. Indoor/outdoor dog enclosures for dogs eleven (11) to twenty (20) pounds shall be at least eight (8) square feet, per dog.
  - vi. Indoor/outdoor dog enclosures for dogs ten (10) pounds and under shall be at least six (6) square feet, per dog.
  - vii. The interior height of an indoor/outdoor dog enclosure must be at least one (1) foot 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.
- E. Space requirements for cats.
- i. Each cat that is housed in any animal enclosure must be provided minimum space as follows:
    - (a) Each animal enclosure housing cats or kittens must be at least twenty-four (24) inches high;
    - (b) Adult cats and kittens over four (4) months old must be provided with at least four (4) square feet, per cat; and
  - ii. Compatibility.
    - (a) All cats housed in the same animal enclosure must be compatible and have the same owner.
    - (b) Queens in heat may not be housed in the same animal enclosure with any mature males unless an appropriate breeding permit has been obtained.
    - (c) Queens with litters may not be housed in the same animal enclosure with other adult cats.
    - (d) Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.



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- (e) Cats with a vicious or aggressive disposition must be housed separately.
    - iii. Cat litter.
      - (a) In all animal enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.
      - (b) Litter pans shall be cleaned and changed daily or more often when necessary.
    - iv. Resting surfaces (perches).
      - (a) Each animal enclosure housing cats shall 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.
      - (b) The resting surfaces must be elevated, impervious to moisture and able to be easily disinfected, or easily replaced when soiled or worn.
      - (c) The resting surfaces shall not be considered part of the minimum floor space.
  - (4) *Food and water requirements: Dogs and cats—Kennels, commercial breeders, pet dealers and excess animal habitats.*
    - a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.
    - b. 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 the container over.
    - c. Food and water shall be fresh, appropriate and free from contamination.
  - (5) *Cleaning procedures for kennels, commercial breeders, pet dealers and excess animal habitats.*
    - a. All animal enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily.
    - b. Dogs and cats shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures.
    - c. Drains and walkways adjacent to all animal enclosures shall be hosed and disinfected daily.
    - d. All areas containing animal waste shall be cleaned throughout the day and such waste shall be properly disposed of so as not to cause a nuisance.
    - e. Food dishes and water bowls shall be cleaned and disinfected daily.
    - f. Appropriate cleaning methods shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.
  - (6) *Roadside sales.* It shall be unlawful to advertise, display for commercial purposes, attempt to sell or sell any dog or cat on any roadside or public right-of-way.
  - (j) **Minimum operational standards for grooming parlors** and mobile grooming units.
    - (1) *Record keeping—Groomers.*

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- a. All grooming parlors and mobile grooming units shall maintain a record of all animals currently on premises or being groomed.
  - b. A medical emergency release form must be obtained from the owner of each animal so that emergency treatment can be given if an animal shows signs of illness or is injured while in the care and custody of the grooming parlor/unit.
  - c. The information on this medical release form shall include, but not be limited to: the owner's name, address, emergency telephone number, owner's veterinarian and veterinarian's telephone number. This information shall be provided to the inspecting officer upon request.
- (2) *Physical facility requirements—Groomers.*
- a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.
  - b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
  - c. Heating, cooling and temperature.
    - 1. Indoor facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.
    - 2. When dogs and cats are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for dogs and cats not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds).
    - 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) and must not rise above eighty-five (85) degrees F (thirty (30) degrees C) at any time.
  - d. Ventilation.
    - 1. Indoor facilities for dogs and cats must be sufficiently ventilated at all times when dogs and cats are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.
    - 2. Air, preferably fresh air, must be provided through windows, vents, fans or air-conditioning.
    - 3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (twenty-nine and one-half (29.5) degrees C) or higher.
    - 4. Proper ventilation shall insure that the fumes from urine do not adversely affect the lungs of the animals or humans.
  - e. Cages/animal enclosures.
    - 1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.
    - 2. Animal enclosures must be constructed and maintained so that they:
      - A. Have no sharp points or edges that could injure dogs and cats;
      - B. Protect dogs and cats from injury;
      - C. Keep predators and unauthorized individuals from accessing the enclosure;

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- D. Provide dogs and cats with easy and convenient access to clean water as needed;
  - E. Enable all surfaces in contact with dogs and cats to be readily cleaned and disinfected.
  - F. 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.
- 3. Animal enclosures for dogs and cats which are housed for less than twelve (12) hours must provide sufficient space for each dog and cat, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out, and to turn about freely.
  - 4. In order to house animals for more than twelve (12) hours, a kennel permit must be obtained from the Division.
- (3) *Animal care—Groomers.*
- a. Each cage and animal enclosure including top, sides, floor, grate and door shall be cleaned with soap and disinfected, rinsed and dried after each animal occupant.
  - b. Clippers, combs, brushes and any other equipment shall be disinfected after each animal grooming.
  - c. Clean, separate drying towels shall be used for each individual animal groomed.
  - d. Every grooming facility must use tepid water for the purpose of washing dogs and cats. Cold water is not acceptable.
  - e. Grooming bathtubs shall be cleaned with soap and disinfected and rinsed after each animal grooming. Grooming bathtubs shall be maintained free of mold and mildew.
  - f. Clippers, dryers, combs, brushes and any other grooming equipment shall be maintained in good repair so that they are appropriate for the intended safe use per the manufacturers' or suppliers' instructions.
  - g. No animal having a known or suspected communicable or infectious disease, shall be accepted for grooming care by a grooming business.
  - h. No animal is to be housed overnight at any grooming parlor/unit unless the premise is also permitted as a kennel.

## **Sec. 4-2. Definitions.**

For the purposes of this chapter, 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.

*Adoption* means the transfer of ownership of an unwanted, abandoned, abused or stray animal by a shelter, humane society, private nonprofit animal organization, or animal rescue organization to an adoptive owner. The term adoption does not include the sale of an animal for profit.

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*Advertising* shall mean any statement made in connection with the solicitation of an animal service, animal business, and/or the sale of an animal and includes without limitation, statements and representations made in a newspaper or other publication, on the radio, television, or internet or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.

*Aggressive dog* shall mean any dog that according to the records of the Division has severely injured or killed a domestic animal while off the owner's property.

*Altered animal* shall mean any animal that has been spayed or neutered.

*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 of County Commissioners.

*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 Florida Statutes, § 162.21, and including County animal care and control ordinances and as defined in Florida Statutes, § 828.27(1)(b) and other applicable State laws.

*Animal establishment* shall mean a kennel, commercial breeder, pet dealer, pet shop, grooming parlor, mobile grooming unit, excess animal habitat or commercial stable operating in Palm Beach County.

*Animal rescue organization* shall mean any organization engaged in housing dogs or cats in the County for the purpose of adoption.

*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.

*Carrier* means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise that is engaged in the business of transporting any animals for hire.

*Class A breeder* means a person who holds a class A license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations promulgated thereunder.

*Class B dealer* means a person who holds a class B license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations promulgated thereunder.

*Commercial breeder* shall mean any person who engages in the sale or breeding of more than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per one-year period.

*Commercial trapper* shall mean any person or business receiving compensation for trapping animals.

*Community cat* shall mean any un-owned free-roaming cat that has been sterilized, vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be cared for by one (1) or more residents of the immediate area who is/are known or unknown.

*Community cat caregiver* means a person who provides food, water and/or other care for one (1) or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

*County* shall mean the incorporated and unincorporated areas of the County.

*Dangerous dog* shall mean any dog that according to the records of the Division, meets at least one (1) of the following:

- (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property.

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- (2) Has more than once severely injured or killed a domestic animal while off the owner's property.
  - (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
  - (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the Division.

*Director* shall mean the Director of the Palm Beach County Division of Animal Care and Control.

*Domestic animal* shall mean any animal defined in F.S. § 585.01(10).

*Electronic animal identification device* (EAID) shall mean a microchip with a frequency used and approved by the Division.

*Ear-tipping* means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization. An ear-tip on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and returned to the field.

*Excess animal habitat* shall mean any property measuring two and one-half (2.5) acres or more on which the maximum number of thirty (30) dogs and cats has been exceeded and for which a permit has been issued by the Division.

*Finally determined* means a determination of a federal agency where all rights to challenge such determination at available administrative tribunals and courts of law have been exhausted or the time period within which such challenge may be filed has expired.

*Free-roaming* shall mean any cat found outdoors regardless of the cat's appearance, behavior or ownership status.

*Grooming establishment* shall mean any place of business (stationary or mobile) which accepts private pets for bathing, clipping, dipping, pedicuring or other related services (not to include breeding, dentistry or overnight boarding).

*Guard dog* shall mean any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

*Guard dog service* shall mean any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in Palm Beach County.

*Guide dog* or *service animal* shall mean any guide dog, signal dog, or other animal individually trained and utilized to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding an individual with impaired vision, alerting an individual with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items (as stated in Americans With Disabilities Act Rules and Regulation Regarding Service Animals, 28 Code of Federal Regulation (CFR) Part 36, Subpart A-General 36.104 Definitions).

*Harboring* 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 one-year period.

*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

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operates from a business facility on appropriately 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.

*Intermediate handler* means any person (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier as defined in 9 CFR § 1.1), who is engaged in any business in which he/she receives custody of animals in connection with their transportation in commerce.

*Kennel* shall mean any place of business at which dogs or cats are kept for boarding, training, daycare, rental, or other use for hire.

*Livestock* shall include all animals of the equine (horse, mule, etc.), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep) and domesticated poultry.

*Major violation* shall mean a violation including any one (1) of the following:

- (1) A violation of section 4-24(a), Animal Care; manner of keeping, other than a violation requiring immediate veterinary care as provided in section 4-23(b)(11)e., Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (2) Failure to ensure that animals offered for sale are vaccinated with required vaccines as required by this chapter.
- (3) Offering an animal for sale without maintaining all properly completed OCVI's pertaining to the animal, which contain records for only one (1) animal, as required by this chapter.
- (4) Failure to have an animal examined by a veterinarian and tested by a veterinarian as provided in section 4-23(i)(1), Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (5) Falsifying records required to be maintained or provided to the County or consumers under this chapter.
- (6) A violation of section 4-23(n), Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (7) Failure to properly isolate or quarantine an animal with a known or suspected communicable animal-to-human or animal-to-animal disease.
- (8) Failure to comply with minimum requirements concerning physical facilities, animal cages, enclosures, housing, or shelter or tethering in violation of this chapter.
- (9) A violation involving a dog or cat transported or offered for sale prior to eight (8) weeks of age or imported in violation of this chapter.
- (10) Failure to provide required disclosures to a consumer.
- (11) Failure to comply with warranty requirements for dogs and cats offered for sale.
- (12) Failure to follow cleaning requirements set forth in this chapter.

*Minor violation* shall mean a violation that is readily correctible including any one (1) of the following:

- (1) Any violation involving recordkeeping or signage that is not listed as a major violation.

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- (2) Failure to timely provide records to the Division.
  - (3) Failure to microchip an animal as required by this chapter.
  - (4) Failure to make a record available to an inspector upon request.
  - (5) A violation involving an animal escaping from the premises of the permitted facility.

*Official certificate of veterinary inspection* shall mean a legible certificate of veterinary inspection which has been issued by the State Department of Agriculture and Consumer Services and signed by the examining veterinarian licensed by the State and accredited by the United States Department of Agriculture.

*Owner* shall mean any person, firm, corporation, organization, humane society, public or private nonprofit organization, harborer, or caregiver, other than a community cat 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.

*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.

*Pet dealer* shall mean any person who, in commerce, for compensation or profit engages in the sale of a dog(s) or cat(s) for use as a pet but who does not engage in breeding dogs or cats. This definition excludes humane societies, private animal nonprofit organizations, animal rescue organizations and shelters.

*Pet shop* shall be held to include any place of business where pet/companion animals (including small animals intended for use as reptile food) are kept for retail or wholesale purchase. Excluded are those animals regulated and controlled by the State Fish and Wildlife Conservation Commission. This definition excludes humane societies, private animal nonprofit organizations, animal rescue organizations and shelters.

*Police work dog* shall mean any dog owned by any State, County or municipal police department or any State or Federal law enforcement agency which has been trained to aid law enforcement officers and is actually being used for police work purposes.

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

*Private animal nonprofit organization* shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats or TNVR for 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.

*Psittacine bird* means any member of the Psittacidae family of birds including but not limited to parrots, parakeets, and macaws.

*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.

*Quarterly basis* means the calendar quarters ending March 31, June 30, September 30, and December 31 each calendar year.

*Return to field* shall mean return to the place of origin, the vicinity of the place of origin or, as a last resort, to an alternative location if all reasonable options of return to the place of origin have been exhausted.

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*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.

*Severe injury* shall mean any physical injury that results in broken bones, multiple bites or disfiguring punctures/lacerations requiring sutures or reconstructive surgery.

*Shelter* means a governmentally operated animal care and control facility.

*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.

*Sterilization* shall mean rendering an animal permanently incapable of reproduction by surgical or chemical alteration, implantation of a device or other physical means, or because of physiological sterility, but only where sterilization has been certified by a veterinarian licensed in any state. The term sterilization is equivalent to the term spay for female animals or neuter for male animals.

*Sterilized* shall refer to an animal permanently incapable of reproduction.

*Stray* (noun) shall mean any animal that does not appear, upon reasonable inquiry, to have an owner.

*TNVR*, also known as trap, neuter, vaccinate, return, shall mean a program whereby a free-roaming cat is humanely trapped, spayed or neutered, implanted with an EAID, vaccinated against the threat of rabies, ear-tipped and returned to field.

*Unaltered* shall mean an animal that has not been sterilized.

*Unprovoked* shall mean carried out without cause or reason. For the purpose of this chapter, an act is "unprovoked" if not instigated by the victim, whether the victim is a person or domestic animal.