

## ARTICLE III. ANIMAL CARE FACILITIES\*

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**\*Cross references:** Businesses, ch. 26.

**State law references:** Euthanasia of animals offered for sale by pet shops, F.S. § 828.065.

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### DIVISION 1. GENERALLY

#### Sec. 14-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal care facility* means any place of business where dogs, cats, horses and other animals, except livestock and rodents, regardless of number, are kept for sale, breeding, boarding or treatment purposes including veterinary hospitals, animal grooming establishments or pet shops, except such facilities which are licensed, permitted, and subject to regular inspections by other animal regulatory agencies.

*County health officer* means the director of the county health department, and his designated agents.

*Registry* means a current record, either ledger or card, indicating, at a minimum, animal's name, description, owner's name, owner's address, owner's phone number, animal's veterinarian's name and phone number, vaccination history, description of current medication and date of entry to establishment.

(Code 1979, § 7-60.1)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 14-87. Penalty.

Any person found in violation of any provision of this article, if convicted, shall be punished as provided in section 1-7.

(Code 1979, § 7-66)

#### Sec. 14-88. Alternate remedies.

If any animal care facility is operated without a license granted pursuant to this article, or if a licensee has repeatedly violated the standards provided for in this article, or if there is a violation of the standards provided for in this article which seriously threatens the public health, safety or welfare, the proper authorities of the county, in addition to the remedies provided in this article, may institute any action or proceeding to prevent such violations in a court of competent jurisdiction.

(Code 1979, § 7-67)

**Sec. 14-89. Interference with county health officer.**

Any person who obstructs or interferes with the county health officer, his designated agent or the county health department in the enforcement of the provisions of this article, or in the performance of any duty required under the provisions of this article, shall, upon conviction, be punished as provided in section 1-7.

(Code 1979, § 7-68)

**Sec. 14-90. Inspections.**

(a) The county health department shall have the right to inspect, or cause to be inspected, any animal care facility within the county, at such reasonable times during normal business hours as the county health department in its sole discretion shall deem necessary to assure continued compliance with the provisions of this article, and shall have the unqualified right to go upon the property of any animal care facility at such times to make an inspection.

(b) Upon receipt of an application for license to operate an animal care facility, the county health department shall inspect the animal care facility of the applicant to ensure compliance with the provisions of this article, and with the inspection standards established in this article. The inspection shall be completed by the county health department within 30 days from the date of receipt of the application.

(c) No license for the operation or maintenance of any animal care facility shall be granted if the inspection of the animal care facility by the county health department indicates that the proposed animal care facility is not in compliance with the provisions of this article and the standards established in this article. Further, no license for the operation and maintenance of any animal care facility shall be granted if the operation of the animal care facility is not permitted land use under the provisions of chapter 62, article VI (zoning). No license for the operation and maintenance of an animal care facility shall be granted unless the building or structure in which the facility is housed is in compliance with all applicable building codes, fire codes and all other applicable local and state codes, laws, rules or regulations.

(d) If the initial inspection reveals that the proposed animal care facility is not in compliance with the provisions of this article or the standards established in this article, a written statement shall be furnished to the applicant containing the provisions of this article with which the application has not complied. No license shall be issued for such animal care facility until compliance with all the provisions of this article have been implemented. Failure of any applicant to comply with all of the provisions within ten days from the date of receipt of the written statement shall result in the termination of the license application.

(e) Nothing contained in this section shall be construed or interpreted to apply to the issuance of a renewal license as specified in section 14-117, or to affect the right of the county health department to inspect any animal care facility holding a license at any reasonable time.

(f) Nothing contained in this section shall be interpreted or construed to vest in any applicant for a license the right to operate any animal care facility in the county until a license has been issued at the completion of the inspection procedure set forth in this section.

(Code 1979, § 7-62)

**Sec. 14-91. Standards.**

All inspections of animal care facilities by the county health department shall be made so as to ensure the protection of the public health, safety and welfare, and to specifically ensure that the facility being inspected provides for the following:

- (1) All animals are adequately fed on a daily basis.
- (2) Fresh water is available to all animals at all times.
- (3) Animal enclosures are of sizes appropriate to the size of the animal held so that the animal may

freely stand normally erect and have enough floor area to turn about without obstruction. With the exception of horses, the floor area shall be smooth and impervious to water.

- (4) All animal feces and other waste are removed from the animal enclosure area on a daily basis.
- (5) A program exists for the effective control of insects, vermin and parasites within the facility.
- (6) All outside animal enclosures shall be provided with adequate protection from direct sunlight.
- (7) The entire animal care facility is kept in a clean, safe and sanitary condition.
- (8) The animal care facility maintains a registry including a list for each animal in residence.

(Code 1979, § 7-63; Ord. No. 95-38, § 1, 9-12-95)

**State law references:** Confinement of animals without sufficient food, water or exercise, F.S. § 828.13.

Secs. 14-92--14-115. Reserved.

## **DIVISION 2. LICENSE**

### **Sec. 14-116. Required; application; terms.**

- (a) It shall be unlawful for any person to operate any animal care facility within the county without a current license issued by the county health department.
- (b) Application for a license to operate an animal care facility must be made in writing to the county health department.
- (c) A fee, as established by the board of county commissioners from time to time, shall be required to accompany an application for a license to operate an animal care facility under the provisions of this article.
- (d) A separate license shall be required for each animal care facility location, and such license shall not be transferable.
- (e) Such license to operate an animal care facility shall be valid for a period of one year from date of issuance.

(Code 1979, § 7-61)

### **Sec. 14-117. Renewal.**

- (a) Each owner or operator of a licensed animal care facility shall file an application for renewal with the county health department at least 45 days prior to the date of expiration of the current license. The renewal application shall be on such forms as provided by the county health department.
- (b) A renewal license shall be issued upon receipt of the renewal application and inspection of the animal care facility by the county health department, provided the inspection reveals that the standards for licensing continue to be met.

(Code 1979, § 7-64)

### **Sec. 14-118. Denial or revocation; procedure upon violation.**

- (a) No animal care facility license shall be granted or issued to a person who has been charged with and convicted of charges of animal cruelty. Such automatic denial shall extend to corporations, companies, partnerships, joint ventures, professional groups or associations which include a person so described.

(b) If any inspection by the county health department reveals that any animal care facility has not complied with the provisions of this article, the county health department shall notify the owner or operator by certified mail, return receipt requested, or by personal service. Such written notice shall specify that the animal care facility's license is being denied or revoked, and shall specify the grounds upon which the license is being denied or revoked. All items of violation or noncompliance with the provisions of this article shall constitute grounds for denial or revocation of a license. The notice of violation shall state that the license shall be automatically denied or revoked if the listed items of violation or noncompliance are not corrected within five days of the date of receipt of the notice by the operator.

(c) The owner or operator may request within five days of the date of receipt of the written notice of violation a public hearing with the county health department, concerning the violations or items of noncompliance contained in the notice of violation. Failure of the owner or operator to request such public hearing, or to abate and correct such violations so as to fully comply with all the provisions of this article within the five-day period specified in the notice of violation shall result in automatic revocation of the animal care facility license with no further administrative right of appeal or review. The request for a public hearing shall be in writing, and shall be served upon the director of the county health department or an agent designated by him in the notice of violation, within the five-day period. All such hearings shall be held by the director of the county health department, or any agent designated by him, within 15 days of receipt of a request for hearing. Notice of the time and place for the hearing shall be given to the owner or operator of the animal care facility at least five days prior to the date of the hearing. Upon the conclusion of the hearing, the county health department shall affirm the items of violation and noncompliance specified in the notice of violation, or modify the notice of violation in whole or in part, or discharge the notice of violation in whole or in part, or set a time certain for the abatement or correction of the violations and full compliance with all the provisions of this article, or take such other action as is deemed necessary and proper to compel compliance with the laws of the state and the county.

(d) In the event of revocation of a license pursuant to the provisions of this section, it shall be unlawful to operate the animal care facility unless a new license is obtained under the provisions of this division.

(Code 1979, § 7-65)

**//Brevard County, Florida/CODE OF ORDINANCES County of BREVARD, FLORIDA Codified through Ord. No. 08-01, enacted Jan. 8, 2008. (Supplement No. 59)/Chapter 14 ANIMALS\*/ARTICLE III. ANIMAL CARE FACILITIES\***