

RESOLUTION NO. 21-08-2013

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR AN ANIMAL SERVICE ESTABLISHMENT INCLUSIVE OF AN OUTDOOR AREA FOR DAYTIME USE TO BE LOCATED AT 524 NORTHLAKE BOULEVARD; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Barkley's Canine Club, ("Applicant") is proposing to operate an Animal Service Establishment at 524 Northlake Boulevard (the "Subject Property") in the Town of Lake Park, Florida (Town); and

WHEREAS, the Subject Property is owned by Tra and Truc Phan Nguyen ("Owners"); and

WHEREAS, the Subject Property is located within the Town's C-1 Business District, and

WHEREAS, the Applicant has submitted an application seeking authorization to operate the Special Exception use of Animal Service Establishment (the "Application") including the components of a boarding-kennel and an outdoor area for daytime use only at 524 Northlake Boulevard; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission that it approve the Application; and

WHEREAS, the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant, and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, the special exception criteria set forth in Section 78-184, and other provisions of the Town's Land Development Regulations which are applicable; and

WHEREAS, at this hearing the Town Commission determined that certain conditions are necessary in order for the Application to be consistent with the Town's Comprehensive Plan, and to meet the special exception criteria of Section 78-184 and the Town's Land Development Regulations.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the request for an Animal Service Establishment Special Exception use, which includes the components of a boarding kennel and an outdoor area for daytime use subject to the following conditions:

1. The Animal Service Establishment shall be limited to the boarding of dogs. Farm animals such as pigs and chickens or exotic animals such as snakes are expressly prohibited.
2. No animal having a disease harmful to humans shall be boarded or maintained in the facility
3. The outdoor area shall be limited to 1,150 square feet and no part of the outdoor area may be located within 55 feet of any adjacent residential property line.
4. If the outdoor area is constructed using a chainlink fence, the fabric shall include a green mesh to screen the area from public view.
5. The outdoor area in or adjacent to a residential use shall not be used between the hours of 10:00 p.m. and 7:00 a.m for outdoor activity/recreation purposes, with the exception of dog toilet necessities.
6. Within six months of the effective date of the Resolution approving the Animal Service Establishment, the Applicant shall submit to the Community Development Department a letter from a sound professional indicating the results of a four-week noise study as it relates to the Applicant's business. The study shall compare the noise levels from the business with the decibel levels established in the Town code. In the event the study reveals that the uses are creating noise which exceeds the decibel levels established in the Code, the Applicant shall employ methods such as the use of sound barrier material such as "bark-block" and/or other approved insulation to mitigate the noise such that the establishment is operating within the decibel levels permitted by Code.

7. The Animal Service Establishment shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of the waste products generated by the business.
8. The facility shall be operated with air conditioning and heat so that the windows and doors can remain closed at all times, except when employees, patrons, and guests are entering and leaving the facility.

Section 3: The Owners, Applicant and their successors and assigns shall be subject to the conditions of approval included in Section 2.

Section 4. This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	___
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	___
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	___
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	___
COMMISSIONER KATHLEEN RAPOZA	<u>✓</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 21-08-13 duly passed and adopted this 21 day of August, 2013.

TOWN OF LAKE PARK, FLORIDA


BY: 
JAMES DUBOIS
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY



Community

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THE TOWN OF LAKE PARK
Community Development Department

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: Barkley's Canine Club

Address: 524 Northlake Blvd

Telephone: 561-904-6999 Fax: 561-904-6998

E-mail address: Cindyhackle@yahoo.com

Owner Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): Cindy Hackle + Carisa Deitz

Address: _____

Telephone: [REDACTED] Fax: _____

E-Mail address: _____

Property Location: _____

(authorized by owner
act on behalf of owner
Tia + Truc Nguyen)

Legal Description: Lake Park Add No 3 LT 7 + LT 8
(Less E 76.25 Ft) BLK 139

Property Control Number: 36434221031390070

Future Land Use: Commercial Zoning: C1-NB02

Acreage: 0.6350 Square Footage of Use: 3000

Proposed Use: DOG Slumber Party Boarding
no cages - no kennels upscale Resort
to add to current Business. kw/outdoor component

Adjacent Property

Direction	Zoning	Business Name	Use
North		NA	
East	C1	Palm Beach respa	respa dealership
South		NA	
West	C1	Barkley's Dog Wash	Groom Salon

APPLICATION REQUIREMENTS:

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

The exception is consistent w/ the goals of Lake Park. We serve the residents in our surrounding area and they support us

2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

The existing structure is compliant w/ the land development of the C1 district. Our existing use is permitted in the C1 district

3. Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

The special use exception is compatible with our existing business which is a dog day care, room, salon, + do it yourself dogwash. The boarding compliments our existing business and is a very requested service.

4. Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.

The exception will not be detrimental to the development of the area

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~~Development~~

5. Please explain how the Special Exception use does not have a detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the Special Exception use; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.
6. Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The outside play area is fenced + has artificial K-9 Turf - which is irrigated + antibacterial - it is sprayed w/orderban and hosed several times a day + has no offensive odor - There is no noise nuisance and Portunia does not pose a problem.



The Town of Lake Park

Community Development Department

COMMUNITY

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DEVELOPMENT

PLEASE DO NOT DETACH FROM APPLICATION.

SIGNATURE REQUIRED BELOW.

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

I, <u>Cindy Hackle</u> have read and understand the regulations above regarding cost recovery.	
<u>Cindy Hackle</u> Signature of Property Owner	<u>4/11/2013</u> Date

Palm Beach County Animal Care and Control Ordinance 98-22

Animals Chapter 4*

***Editor's note:** Ord. No. 98-22, §§ 1--31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1--4-21, 4-31--4-35, 4-51--4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1--4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

State law references: Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Sec. 4-1. Short title.

Sec. 4-2. Definitions.

Sec. 4-3. Females in heat.

Sec. 4-4. Dog and cat control.

Sec. 4-5. Animals creating nuisances.

Sec. 4-6. Scientific experimentation/animals as prizes.

Sec. 4-7. Injured animals, action required.

Sec. 4-8. Keeping/adopting stray animals and maintaining feral cats.

Sec. 4-9. Animal waste.

Sec. 4-10. Rabies vaccinations.

Sec. 4-11. Dog and cat rabies/license tags.

Sec. 4-12. Redemption and adoption.

Sec. 4-13. Adoption fees and sterilization requirements for dogs and cats.

Sec. 4-14. Records.

Sec. 4-15. Humane education.

Sec. 4-16. Animal bites and quarantining.

Sec. 4-17. Placement and impoundment of honeybee hives.

Sec. 4-18. Guard dogs.

Sec. 4-19. Evictions, jail terms, community service adjudications, and other involuntary occurrences; effect on animals.

Sec. 4-20. Disposal of bodies of dead animals.

Sec. 4-21. Livestock.

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

Sec. 4-23. Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

Sec. 4-24. Animal care; manner of keeping.

Sec. 4-25. Dogs and cats offered for sale; health requirements.

Sec. 4-26. Animal agencies.

Sec. 4-27. Aggressive dogs, dangerous dogs and vicious dogs.

Sec. 4-28. Sterilization program for dogs and cats.

(2) All horses other than those sold for slaughter, must have a report of a negative Coggins test conducted within the previous twelve (12) months for change of ownership. The negative Coggins test report must be provided to the new owner or custodian at the time of change of location or ownership.

(Ord. No. 98-22, § 21, 6-16-98)

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

(a) The chart set forth below prescribes the number of dogs and/or cats per specified acreage restrictions:

TABLE INSET:

If You Have:	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
1--10 dogs and/or cats	Allowed	Allowed	Allowed
11--20 dogs and/or cats	Prohibited	Allowed	Allowed
21--30 dogs and/or cats	Prohibited	Prohibited	Allowed

Acreage determination excludes easements for roads or other areas that must allow public egress and ingress. All property must be contiguous.

(b) 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.

(c) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.

(d) Any person who wishes to exceed the maximum number of thirty (30) dogs and/or cats on two and one-half (2.5) acres or more must apply to the division for a special "excess animal habitat" permit. The owner must comply with all animal care standards as required in section 4-23 of this chapter.

(Ord. No. 98-22, § 22, 6-16-98)

Sec. 4-23. Kennel, 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, government animal control shelter, hobby breeder 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. Renewal applications for permits shall be made at 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 renewed hereunder if an applicant has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

(9) No permit shall be issued or renewed without proof of a current business tax receipt issued by the county tax collector in accordance with Palm Beach County Ordinance No. 72-7, as amended.

(10) An animal control officer may conduct an investigation of any complaint concerning any animal establishment within the county.

(11) 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. Said citation shall be issued in the name of the animal establishment's owner and also state the name of the person signing for the owner of the animal establishment.

(12) 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;
- b. The permit holder has been cited for at least two (2) violations within a one-year period, each resulting in the imposition of a fine;
- c. The permit holder has failed to pay a fine or to request a hearing in county court to answer the charges of a citation within thirty (30) days of issuance of the violation;
- d. The permit holder or any of his agents have been convicted of a violation of law involving cruelty to animals;
- e. An animal under the care and responsibility of a permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death; or
- f. The permit holder and/or their employees/agents, refuses to allow the inspection of the premises.

(13) 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.

(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 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.

(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 florescent 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 excrement shall be removed by spot 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.

(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.
- 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 quarterly basis, commercial breeders shall provide the division with the name, address, and telephone number of the new owner of any puppy or kitten placed in the county.

(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 when housed for training and a training contract has been signed by the owner as stated in subsection (h)(1)e. of this section.
- c. Animals housed in kennels shall be separated in individual cages 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 individual cages in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.

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

f. Dogs kenneled for a period longer than three (3) months shall be afforded protective measures. Kennel operators shall notify the division regarding all dogs maintained at their kennel for longer than three (3) months and shall comply with the following requirements:

1. Arrange for a professional behaviorist or trainer to visit once every three (3) months for the purpose of evaluation, therapeutic or obedience training.

2. A veterinarian examination 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.

3. Each week a minimum of fifty (50) minutes for play, interaction, grooming and/or training. This may be done by volunteers, however, dogs with medical conditions prohibiting play or training sessions shall be excluded from this requirement upon written certification of the medical condition by a licensed veterinarian.

4. Records shall be kept at the kennel evidencing compliance with the above.

(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;
- 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.
- (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 (animal enclosures)--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 animal enclosures shall be spot cleaned as necessary to remove animal excrement throughout the day.

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.

(i) *Minimum operational standards for pet shops and pet dealers.*

(1) *General requirements for pet shops and pet dealers.* For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age.

a. For each dog and cat transported into the county from outside of the State of Florida for sale, the tests, vaccines, and anthelmintics required by this chapter must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the Official Certificate of Veterinary Inspection (OCVI). The tests, vaccines, and anthelmintics must be administered no more than thirty (30) days and no less than fourteen (14) days before the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this chapter must accompany each dog and cat transported into the State of Florida for sale.

b. No dog or cat imported into the State of Florida for sale shall be offered for sale without an OCVI issued by a veterinarian licensed in the state of origin.

c. The following tests, vaccines, and anthelmintics must be administered to each dog before the dog is offered for sale in the county, unless a licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog:

1. Canine distemper.
2. Leptospirosis.

3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).
4. Parainfluenza.
5. Hepatitis.
6. Canine parvo.
7. Rabies, provided the dog is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required by this chapter must be administered no more than twenty-one (21) days before sale within the county. If the dog is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this chapter must be administered at or after three (3) months of age, but no more than one (1) year before sale within the county.

d. The following tests, vaccines, and anthelmintics must be administered to each cat before the cat is offered for sale in the county, unless the licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.

If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before sale within the state. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three (3) months of age, but no more than one (1) year before sale within the state.

e. Every dog and cat offered for sale by a pet shop or pet dealer must be accompanied by a current OCVI at all times while being offered for sale within the county. The examining veterinarian must retain one (1) copy of the OCVI on file for at least one (1) year after the date of examination.

f. Each dog and cat in the possession of a pet shop or pet dealer shall be examined by a veterinarian licensed to

practice in Florida no more than thirty (30) days before the sale within the county. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. At the conclusion of the examination, the veterinarian shall complete an OCVI, which shall remain current for a period of thirty (30) days. Each dog and cat in the possession of a pet shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days and the pet shop or pet dealer shall ensure that a current OCVI is completed by the examining veterinarian.

g. Each dog over six (6) months of age must be tested by a veterinarian for heartworms before being offered for sale and the results of the tests must be listed on the OCVI.

h. Each cat must be tested by a veterinarian for feline leukemia before being offered for sale and the results of the tests must be listed on the OCVI.

i. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale shall be examined by a veterinarian licensed in Florida within two (2) business days of the day the pet shop or pet dealer obtains the dog or cat.

j. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange for the transportation of any dog or cat that is less than eight (8) weeks of age.

k. No pet shop or pet dealer shall import a dog into the United States in violation of 7 U.S.C. 2148, *Importation of live dogs*.

l. No pet shop or pet dealer shall obtain a dog or cat from any source, including but not limited to a breeder or dealer, if the source or an owner, operator or employee of the source:

1. has been convicted of cruelty to animals under any federal, state or local law.
2. has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.
3. has been temporarily or permanently enjoined from breeding, selling or dealing in dogs or cats by any court.
4. whose license/permit issued by any local government, state, or federal government to breed,

sell or otherwise deal in dogs or cats is suspended or revoked.

5. does not hold a current license/permit to breed, sell or otherwise deal in dogs or cats as required by the applicable local, state, or federal law.

m. An OCVI must:

1. be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.

2. show the age, sex, breed, color, and health record of the dog or cat examined.

3. contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.

4. for each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.

5. state that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

6. state whether the examining veterinarian has detected any physical abnormalities in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, and cryptorchidism.

An OCVI that does not meet the above-cited requirements shall not comply with this chapter.

n. It shall be a violation of this chapter to falsify any information provided in any OCVI.

o. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or veterinarian are subject to inspection by any agent of the division, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under Florida Statutes § 828.03.

p. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an electronic animal identification device (EAID).

(2) *Records.*

a. Each pet shop or pet dealer shall maintain the following written records on each dog and cat offered for sale for a period of not less than two (2) years after disposition of each dog and cat:

1. The name and address of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
2. The name and address of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.
3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.
6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.
7. A complete record of any medical treatment or medication provided to or recommended for each dog or cat by a veterinarian and any medical diagnosis made by a veterinarian concerning each dog or cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.
8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time of sale

or is likely to adversely affect the health of the dog or cat in the future.

b. For a period of two (2) years from the disposition of each dog and cat, the pet shop or pet dealer shall maintain records specifying the date and nature of disposition of each dog and cat and the name, address, and phone number of the purchaser (or owner if different than the purchaser) of each dog or cat.

c. Once per month, each pet shop and pet dealer shall provide the division with records indicating the number of dogs and cats sold or disposed of during the previous month; the name and physical address (no P.O. boxes) of the breeder, dealer, or source from which each dog and cat was obtained; the date each dog and cat was obtained; and the date each dog and cat was sold or otherwise disposed of by the pet shop or pet dealer; and the name, physical address (no P.O. boxes), and telephone number of the purchaser or owner (if different from the purchaser) of each dog and cat sold during that month, including the EVID number, breed, color, sex, and age of each dog and cat.

d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet shop or pet dealer shall maintain a record of the date of death and known or suspected cause of death. Any dog or cat that dies while being treated by a veterinarian or person at the request of the pet shop or pet dealer shall be considered in the possession of the pet shop or pet dealer at the time of death. The veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Upon the death of a dog or cat, the pet shop or pet dealer shall provide the division with records reflecting the date and cause of the dog or cat's death. The pet shop or pet dealer shall maintain a copy of such record for a period of two (2) years from the date of the dog or cat's death.

e. Each pet shop and pet dealer shall maintain on the premises all records required by this chapter and shall make such records available to the division upon request.

f. The failure to maintain complete records on each dog and cat as required by this chapter shall constitute a separate violation as to each record missing or incomplete.

(3) *Notices and disclosures to purchasers*

a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each dog and cat offered for sale a written notice in twelve-point or greater type identifying the breed, sex, and date of birth of each dog and

cat and the name and address of the sources that bred each dog and cat and sold each dog and cat to the pet shop.

b. Each pet shop and pet dealer shall post conspicuously in close proximity to the cages or enclosures where dogs and cats are offered for sale a notice in at least fifty-point type containing the following:

"Notice to consumers: Before purchasing a dog or cat you may request information concerning each dog or cat's health, medical history, and the source from which the dog or cat was obtained. Upon your request, the pet shop or pet dealer is required to show you these records before you purchase a dog or cat and to give you a copy of these records when you purchase a dog or cat."

c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a written notice in twelve-point or greater type stating:

Pursuant to the Palm Beach County Animal Care and Control Ordinance, every owner of a dog or cat is required to obtain a license tag for each dog and cat from the Palm Beach County Division of Animal Care and Control ("Division") or an authorized veterinarian. The license tag must be renewed every year, and proof of an up to date rabies vaccination is required to obtain or renew a license tag.

The Palm Beach County Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at great expense to the community and that every feasible means of reducing the number of unwanted dogs and cats should be encouraged. The Board of County Commissioners has also determined that spaying and neutering every dog and cat is one of the best ways to reduce the number of unwanted pets. Therefore, every dog and cat in Palm Beach County must be spayed or neutered by the time the dog or cat is six (6) months old, unless certain exceptions apply.

Every owner of a dog or cat must obtain an annual unaltered license tag from the Division or a veterinarian for each dog or cat over the age of six (6) months that is not spayed or neutered. A dog or cat with an unaltered license tag cannot be bred

unless an appropriate breeding permit is first obtained from the Division.

No person shall breed any dog or cat in Palm Beach County without first obtaining a breeding permit.

Contact the Division at (561) 233-1200 or www.pbcgov.com/publicsafety/animalcare/ with questions about regulations pertaining to your new dog or cat.

The division shall have the authority to establish an alternative written disclosure form that includes the essential elements of the written notice provided herein.

d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each dog and cat a written disclosure(s) containing the following:

1. The name and physical address (no P.O. boxes) of the breeder of the dog or cat. If the breeder of the dog or cat is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

2. The name and physical address (no P.O. boxes) of any other person who or business that owned or possessed the dog or cat from its birth to the point of sale. If such person or business is licensed by the United States Department of Agriculture, a state, or a local government to breed, sell or otherwise deal in dogs and cats, the pet shop or pet dealer shall maintain the license number, identification number, or other permit number.

3. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.

4. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.

5. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.

6. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.

7. A complete record of any medical treatment or medication provided to or recommended for the dog or cat by a veterinarian and medical diagnosis made by a veterinarian concerning the dog to cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet

shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.

8. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time or sale, or is likely to adversely affect the health of the dog or cat in the future.

A pet store or pet dealer shall provide all of the above-cited written disclosures to the prospective purchaser of each dog or cat for review prior to the purchase upon request.

(4) *Warranties for dogs and cats.*

a. A dog or cat that is purchased from a pet shop or pet dealer shall be considered unfit for purchase if any of the following apply:

1. Within fourteen (14) days following the sale of a dog or cat by a pet shop or pet dealer a licensed veterinarian of the purchaser's choosing certifies that, at the time of the sale, the dog or cat was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks.

2. Within one (1) year following the sale of a dog or cat, a licensed veterinarian of the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a congenital or hereditary disorder that adversely affects the health of the dog or cat.

3. Within one (1) year following the sale of a dog or cat, the breed, sex, or health of such dog or cat is found to have been misrepresented to the purchaser.

b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop or pet dealer shall afford the purchaser the right to choose one (1) of the following options:

1. The right to return the dog or cat and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this chapter and directly related to necessary emergency services and treatment undertaken to relieve suffering;

2. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is

unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

3. The right to retain the dog or cat and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the dog or cat. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

c. The refund or exchange required by this chapter shall be made by the pet shop or pet dealer not later than ten (10) business days following receipt of a signed veterinary certification as required in this chapter. The purchaser must notify the pet shop or pet dealer within a reasonable time after the veterinarian's determination that the animal is unfit and must provide the pet shop or pet dealer with a copy of the written certification of unfitness.

d. A dog or cat may not be determined unfit for sale on account of an injury sustained or illness contracted after the purchaser takes possession of the dog or cat. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the dog or cat is clinically ill because of that condition.

e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the pet shop or pet dealer may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the pet shop or pet dealer. Upon such examination, if the purchaser and the pet shop or pet dealer are unable to reach an agreement that constitutes one (1) of the options set forth in this chapter within ten (10) business days following examination by the pet shop or pet dealer's designated veterinarian, the purchaser may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

f. No pet shop or pet dealer shall require or attempt to require a purchaser to sign a contract or agreement to waive any of the rights provided by this chapter. Any contract or agreement in which a purchaser agrees to waive any rights

provided under this chapter shall be null and void and unenforceable.

g. This chapter does not in any way limit the rights or remedies that are otherwise available to a purchaser under any other law.

h. Each pet shop and pet dealer shall provide the purchaser of a dog or cat at the time of sale with the written notice required by Florida Statutes § 828.29(12), which shall be provided in twelve-point or greater type.

i. No pet shop or pet dealer shall require the purchaser of a dog or cat to use the pet shop's veterinarian in order to receive a refund or exchange required by this chapter.

j. If a purchaser requests a refund or requests to return or exchange a dog or cat pursuant to this chapter, each pet shop and pet dealer shall maintain all records related to the purchaser's request for a period of two (2) years from receipt of such records and shall deliver a copy of the purchaser's request to the division within seven (7) days of receipt.

(5) *Animal housing requirements--Pet shops and pet dealers.*

a. 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 other animals or the public.

b. Animals with diseases that can be airborne must be isolated in an area with independent ventilation.

c. Any animal that cannot stand on its own or that has a life threatening disease must be hospitalized, housed under the direct care of a veterinary hospital/clinic or humanely euthanized.

d. State and county health regulations must be followed when caring for any animal harboring an animal-to-human disease.

(6) *Animal care--Pet shops and pet dealers.*

a. Each animal shall be examined daily for signs of illness or injury. Any suspected illness or injury shall be reported to the owner or manager of the establishment immediately. Any sick animal shall be immediately isolated from other animals. All bedding material and feces in a sick animal's cage shall be removed and disinfected or discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding equipment used by a sick animal shall be disinfected immediately.

b. Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal found in the

custody of any establishment shall be a violation of this chapter and/or Florida Statutes Ch. 828, "Cruelty to Animals". Proof of adequate and timely veterinary care must be provided to the division upon request.

c. All animals that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1) other time prior to being sold to certify that they are free from illness or injury.

d. All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.

(7) *Physical facility requirements--Pet shops.*

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 housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and well-being.

2. When animals are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.

3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) or must not rise above eighty-five (85) degrees F (thirty-five (35) degrees C) at any time.

d. Ventilation.

1. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals 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 (exterior) or air-conditioning.
3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (thirty (30) degrees C) or higher.

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 animals;
 - B. Protect animals from injury;
 - C. Keep predators and unauthorized individuals from accessing the enclosure(s);
 - D. Provide animals with easy and convenient access to clean food and water;
 - E. Enable all surfaces in contact with animals to be readily cleaned and disinfected.
 - F. Have floors which are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.

3. Space requirements for dogs.

- A. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.
- B. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.
- C. The guideline for minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
- D. The guideline for minimum size for an animal enclosure for a dog from thirty-six

(36) to fifty (50) pounds shall be twenty (20) square feet.

E. The guideline for minimum size for an animal enclosure for a dog over fifty (50) pounds shall be twenty-four (24) square feet.

F. The interior height of each animal enclosure for a dog 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.

G. All dogs over thirty-five (35) pounds shall be required to be exercised on a leash three (3) times per day for a minimum of ten (10) minutes per exercise period.

4. Space and other requirements for cats.

A. Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:

i. Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.

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

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

B. Compatibility.

i. All cats housed in the same animal enclosure must be compatible, as determined by observation.

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

C. Litter.

i. In all cat enclosures, a receptacle containing sufficient clean litter must be provided to collect excreta and body wastes.

ii. Litter pans shall be cleaned and changed daily or more often if necessary.

D. Resting surfaces.

- i. 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.
- ii. The resting surfaces must be elevated, impervious to moisture and able to be easily cleaned and disinfected, or easily replaced when soiled or worn.
- iii. The resting surfaces shall not be considered part of the minimum floor space.

(8) *Food and water requirements--Pet shops.*

- 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 container over.
- c. Food and water shall be fresh, appropriate and free from contamination.

(9) *Cleaning procedures; dogs and cats--Pet shops.*

- a. Animals (other than water dependent species) shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures. Water dependent species shall not be directly exposed to disinfectant and shall be removed from tanks during cleaning procedures.
- b. The entire cage of each dog and cat including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily.
- c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.
- d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.
- e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.
- f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

(j) *Minimum operational standards for grooming parlors and mobile grooming units.*

- (1) *Record keeping--Groomers.*

- 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;
- 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.

(k) *Minimum operational standards for commercial stables.*

(1) *Record keeping requirements--Commercial stables.*

- a. Commercial stables shall keep a reference file on all animals. These files shall be maintained on each animal individually. The information in these files shall include but not be limited to vaccination records, medical treatment administered at the facility, owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian.
- b. 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

may be given if the animal shows signs of illness or injury while in the care and custody of the commercial stable.

c. A copy of a current (within the previous twelve (12) months) negative Coggins test (equine infectious anemia) shall be on record for each equine (except nursing foals) boarded or kept at a commercial stable. No equine shall be accepted for board unless a current (within the past twelve (12) months) negative Coggins test record is produced by the owner.

d. All records shall be made available to the inspecting officer upon request.

(2) *Physical facility requirements--Commercial stables.*

a. Barn.

1. All barns shall be well ventilated so as to have free flow of air or forced ventilation.

2. All feed and tack rooms shall be kept clean and orderly, clear of litter and refuse. Aisles shall be kept clear to provide free exit of stabled animals.

3. All barns or structures shall be in good repair with no water leaks. The floor of all stalls shall be free of standing water. There shall be sufficient drainage on the property to prevent accumulation of persistent standing water in paddock areas.

4. Manure which has been removed from stalls and paddocks shall be maintained at least seventy-five (75) feet from the nearest animal stall. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds.

b. Pasturing.

1. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.

2. Adequate water containers shall be available in all pasture areas sufficient to supplement all equine during dry periods when retention ponds lack sufficient clean water. Stagnant water with floating algae is unacceptable for drinking.

3. Separate feed buckets for each equine shall be used when feeding. When a feed trough or bunker is used, there shall be two (2) lineal feet per head or a two (2) foot feed box for each animal.

4. Every commercial stable shall have sufficient drainage in order to provide sufficient dry land for all animals pastured and to prevent accumulation of persistent standing water over the entire pasture.

5. As necessary, all pasture areas shall be dragged to spread and remove manure. Pasture rotation is recommended if sufficient pasture area is available.

c. Exercise area.

1. A designated safe exercise area, which is a minimum of two thousand five hundred (2,500) square feet, shall be provided for all equine.

2. This exercise area shall be appropriately fenced.

3. Equine shall be provided appropriate exercise as recognized by accepted animal husbandry practices.

d. Paddock area.

1. Paddock areas are not required.
 2. If an optional paddock area is provided, the area provided shall be a minimum of one hundred (100) square feet up to a maximum of two thousand five hundred (2,500) square feet.
- (3) *Food and water supplies--Commercial stables.*
- a. Opened food bags shall be stored in rodent, pest and moisture resistant containers with lids and properly labeled as to content.
 - b. Unopened food bags shall be stored off the ground and kept clean and dry.
 - c. Stored hay shall be kept clean and dry.
 - d. Fresh water, free of algae, shall be available to all animals at all times.
 - e. Hay provided to equine must be distributed to prevent contamination from manure, urine and stagnant water.
- (4) *Animal housing requirements--Commercial stables.*
- a. Any animal having a known or contagious disease or suspected of having a contagious disease, shall be contained in an area away from other animals. This area shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED ANIMALS."
 - b. The owner or manager of any commercial stable that has an animal with a known or suspected contagious or infectious disease must seek immediate veterinary care for that animal and follow veterinary instructions.
 - c. Stalls which are used to house animals shall be large enough to allow the animal to stand in an erect position, turn without touching the sides or move about without restriction.
 - d. All animals must be securely confined and not permitted to run at large.
 - e. All fences must be secure and safe to prevent injury (i.e., no broken rails, exposed nails, etc.; barbed (where permitted) or any other kind of wire must be taut and sufficiently marked to be visible to livestock).
- (5) *Cleaning procedures--Commercial stables.*
- a. Stalls shall be cleaned daily. Paddocks shall be cleaned as often as necessary. Manure, urine soaked hay, shavings, straw or bedding must be removed daily and replaced with clean dry hay, shavings, straw or bedding.
 - b. All stalls and paddock areas shall be free of safety hazards (i.e., nails, wire, rocks, wood, other debris or loose fencing upon which animals may become injured).
 - c. All water containers, buckets, troughs and the like, shall be maintained in such a manner as to be kept free of floating algae.
 - d. All owners or managers of any commercial stable shall check for and remove any poisonous plants growing in or near where horses are being housed or boarded.
 - e. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturers' instructions, properly labeled as to content and away from contact with animals.

(Ord. No. 98-22, § 23, 6-16-98; Ord. No. 05-044, § 2, 9-27-05; Ord. No. 2011-005, § 4, 3-15-11)

Sec. 4-24. Animal care; manner of keeping.

- (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

- (1) Clean, sanitary, safe and humane conditions;
 - (2) Sufficient quantities of appropriate food daily;
 - (3) Proper air ventilation and circulation;
 - (4) Adequate quantities of visibly clean and fresh water available at all times; and
 - (5) Medical attention and/or necessary veterinary care when an animal is sick, diseased or injured. Upon request by the division, written proof of veterinary care must be provided.
- (b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.
- (1) Shelter for dogs, cats and small domestic animals must:
 - a. Provide adequate protection from the cold and heat. When the outdoor temperature falls below forty (40) degrees Fahrenheit, all cats, small domestic animals and those dogs that cannot tolerate such temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved indoors or provided adequate heating to maintain temperature above forty (40) degrees Fahrenheit range. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit all dogs, cats, and small domestic animals must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eight-five (85) degrees Fahrenheit;
 - b. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
 - c. Provide a wind break and rain break;
 - d. Contain clean, dry, bedding material;
 - e. Provide protection from the elements at all times;
 - f. Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously; and
 - g. Provide a solid roof.
 - (2) Shelter for equine, bovine, ovine and porcine normally maintained in outdoor areas must:
 - a. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
 - b. Provide a wind break and rain break;
 - c. Provide a solid roof;
 - d. Provide protection from the elements at all times; and
 - e. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.
- (c) It shall be unlawful for any person maintaining equine or ovine to fail to keep hooves trimmed so as to prevent lameness and extreme overgrowth causing deformities.
- (d) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is with the animal and the animal is at all times visible to such person. Choke or prong type collars shall not be used on an animal while such animal is tethered. As used in this chapter, tether means to restrain an animal by tying the animal

to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk an animal. Notwithstanding the foregoing, an animal may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of animals.

(e) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of eighty (80) square feet of open space. An additional forty (40) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather including but not limited to hurricanes, tropical storms, and tornados.

(f) Animals must be given appropriate daily exercise.

(g) No humane slaughter of animals as defined in Florida Statutes, §§ 828.22 and/or 828.23 shall be done within earshot or view of the public.

(h) It shall be unlawful for any person to tease or molest any animal.

(i) It shall be unlawful for any person to:

(1) Leave an animal in any unattended motor vehicle;

(2) Transport an animal in any motor vehicle without adequate ventilation or in unsanitary conditions; or

(3) Subject or cause an animal to be subjected to extreme temperatures that adversely affect the animal's health or safety.

(j) It shall be unlawful to transport any animal on a public road in any vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed.

(k) Animals shall not be allowed on any median or in any roadway, highway or street intersection for any purpose other than crossing same.

(l) Any person trapping an animal must:

(1) Use a humane trap;

(2) Provide protection from the direct rays of the sun and direct effect of wind, rain and irrigation/sprinkler system;

(3) Provide fresh water in the trap;

(4) Remove the trapped animal within twenty-four (24) hours of capture. All trapped dogs and cats must be returned to their rightful owner, or to a governmentally operated animal shelter or humane society in the county; and

(5) Make every attempt to locate the offspring of any lactating/nursing mother. No trapped animal shall be killed in any manner other than a method approved in the American Veterinary Medical Association Guidelines on Euthanasia, as may be amended from time to time.

(m) To the extent not inconsistent with this chapter the following portions of the Florida Statutes, in their current form and as subsequently amended, are hereby adopted and incorporated by reference except as to penalty, shall be part of this section as if they were set out in full and shall be punishable as civil infractions:

(1) Section 828.058, Florida Statutes;

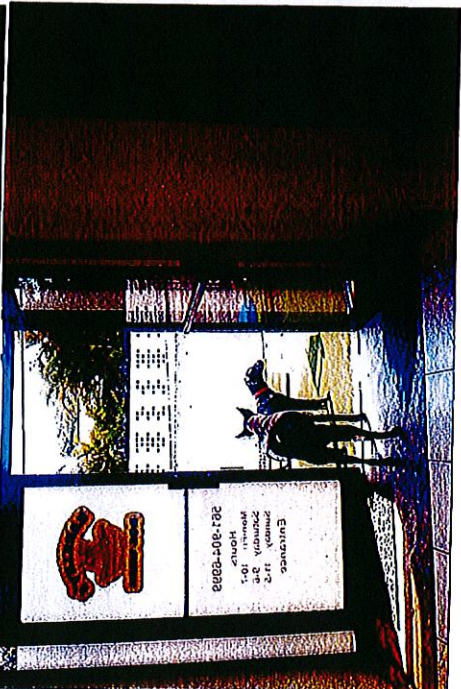
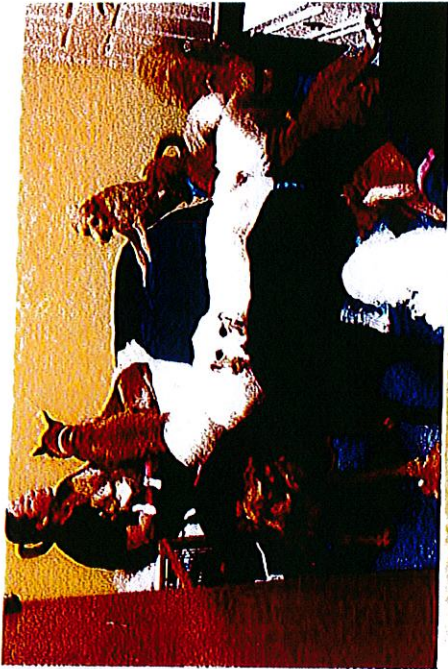
- (2) Section 828.065, Florida Statutes;
 - (3) Section 828.08, Florida Statutes;
 - (4) Section 828.12, Florida Statutes;
 - (5) Section 828.121, Florida Statutes;
 - (6) Section 828.122, Florida Statutes;
 - (7) Section 828.123, Florida Statutes;
 - (8) Section 828.1231, Florida Statutes;
 - (9) Section 828.125, Florida Statutes;
 - (10) Section 828.13, Florida Statutes;
 - (11) Section 828.14, Florida Statutes;
 - (12) Section 828.16, Florida Statutes;
 - (13) Section 828.161, Florida Statutes;
 - (14) Section 828.22, Florida Statutes;
 - (15) Section 828.23, Florida Statutes;
 - (16) Section 828.24, Florida Statutes; and
 - (17) Section 828.252, Florida Statutes.
- (n) No person, for the purpose of that person's sexual gratification, may:
- (1) Engage in a sexual act with an animal;
 - (2) Coerce any other person to engage in a sexual act with an animal;
 - (3) Use any part of the person's body or an object to sexually stimulate an animal;
 - (4) Videotape a person engaging in a sexual act with an animal; or
 - (5) Kill or physically abuse an animal.
- (Ord. No. 98-22, § 24, 6-16-98; Ord. No. 03-029, § 1, 8-19-03; Ord. No. 2011-005, § 5, 3-15-11)
- Editor's note:** Section 17 of Ord. No. 2011-005 specifies that § 4-24(d) and (e) shall become effective on July 1, 2011.

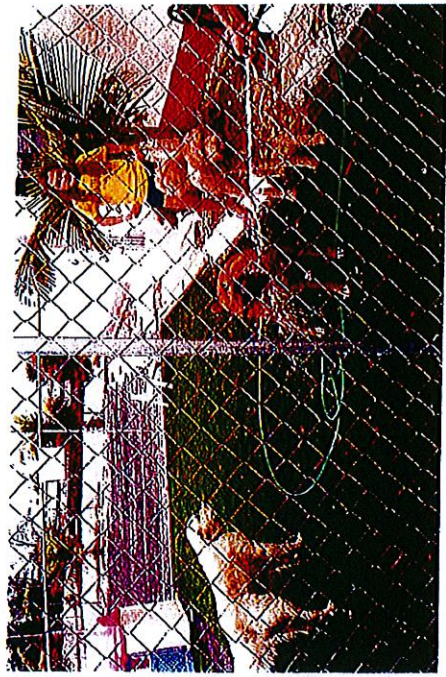
Sec. 4-25. Dogs and cats offered for sale; health requirements.

- (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to Florida Statutes, § 828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.
- (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:
- (1) Dogs/puppies.
 - a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis, canine parvo virus, and bordatella. A rabies inoculation must be provided for any dog three (3) months of age or older.
 - b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must occur for dogs six (6) months of age or older. Appropriate treatment for all positive findings must be documented.
 - (2) Cats/kittens.
 - a. Inoculated against: panleukopenia, feline viral rhino tracheitis, calici virus and rabies (provided the cat is over three (3) months of age).

Exhibit "B"

Facility Photos





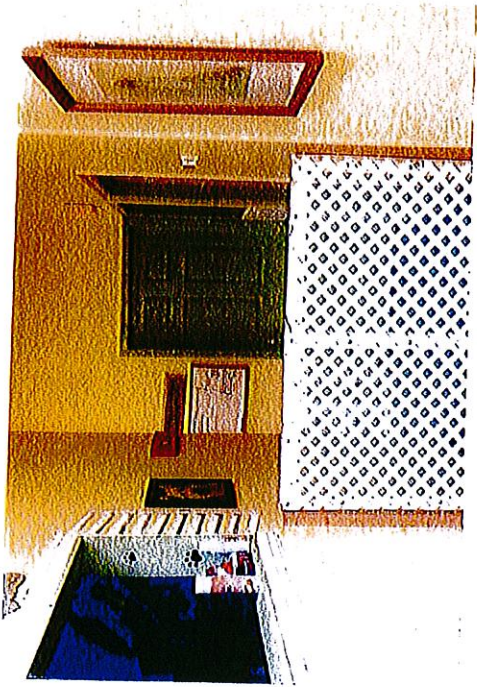
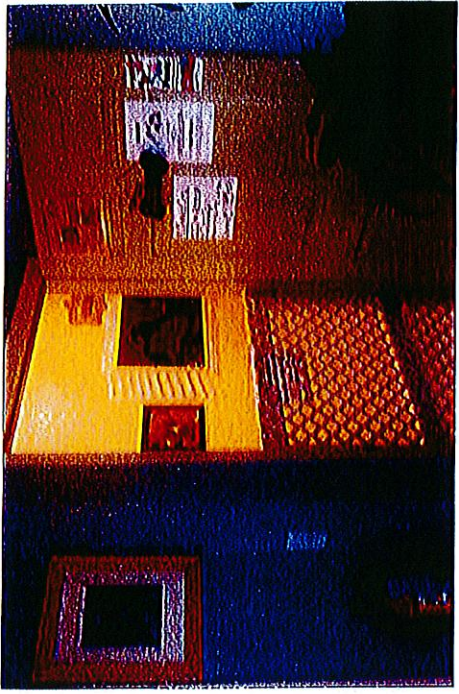


Exhibit "C"

PBC Traffic
E-mail

From: [Masoud Atefi](#)
To: [Debbie Abraham](#)
Subject: RE: Traffic Impacts of Kennel
Date: Friday, April 26, 2013 4:15:17 PM

No – I would not consider it a big traffic generator – especially during the peak hours of traffic.
Good Luck

Masoud Atefi

From: Debbie Abraham [mailto:dabraham@lakeparkflorida.gov]
Sent: Friday, April 26, 2013 11:46 AM
To: Masoud Atefi
Subject: Traffic Impacts of Kennel

Hi Masoud,

We are processing a Special Exception Application for the use of a "kennel" at 524 Northlake Blvd. The Site is currently being used as a pet grooming and training facility and the Applicant, Barkley's Canine Club, is interested in adding overnight animal boarding ("kennel") services to its existing functions. While the Site is a multi-tenant plaza, the Applicant uses 3000 sf of the 5584 building square footage.

Can you please tell me if this use will incur a lot of additional traffic and if you foresee any negative impacts arising? I appreciate your help.

Thanks,

Debbie Abraham, *Town Planner*
Town of Lake Park
Ph: 561-881-3320

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Exhibit D: Town of Lake Park Noise Ordinance

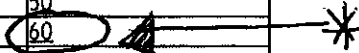
Sec. 10-155. - Maximum permissible sound levels by receiving land use.

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

TABLE 1

Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Conservation	6:00 a.m. – 7:00 p.m.	55
	7:00 p.m. – 6:00 a.m.	50
Residential	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	50
Commercial/Residential and Downtown	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	50
Commercial	At all times	60
Commercial/Light Industrial	At all times	65
Public Buildings/Grounds and Other Public Facilities	7:00 a.m. – 10:00 p.m.	60
Recreation and Open Space	10:00 p.m. – 7:00 a.m.	55



2011-12-13 3:53:31 PM [5/2/2013 3:53:31 PM]

Exhibit "E"

COMMUNITY

December 28, 2012

JAN 2 2013

Pet Services

Michelle Mullins
603 6th Court
Palm Beach Gardens, Fl 33410

To Whom It May Concern:

As the owner of a Great Dane Service Dog, I am writing this letter too express my support of Barkley's Do-It-Yourself Dog Wash. I am a local resident living in the Sandalwood Estate Townhouse Community. I am an avid runner, and frequently jog with my service dog, Crickett. A few months back as I was jogging down Northlake with her, I encountered a pet emergency she had began too bleed from her paw. I happened too be walking and came across Barkley's, they were warm caring and compassionate and helped administer the necessary first aid that Crickett required. They are truly an asset too the community of Lake Park. I came too find out that they offer boarding services as well, what impressed me about there boarding service is that they have an on site personnel stay with the dogs overnight. I really enjoy having the piece of mind that a caregiver is staying over night with my furry friend. I feel this kind of small business is a great asset to the Lake Park/ Palm Beach Gardens area. **PLEASE ALLOW BARKLEYS TOO CONTINUE PROVIDING THESE SERVICES TOO THE PET LOVERS OF THE LAKE PARK COMMUNITY.**

Sincerely,



Michelle Mullins
Owner of Crickett
Service Great Dane

24-Seven Drug Testing, Inc
3923 Lake Worth Rd, Suite 211
Lake Worth, FL 33461

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JAN - 2 2013

000000000000

December 28, 2012

Anthony A Leo
603 6th Court
Palm Beach Gardens, FL 33410

Town of Lake Park:

Let me introduce myself , I am Anthony A. Leo , President & Owner of 24-Seven Drug Testing , Inc. I am a small business owner myself. As the owner of a Great Dane Service dog, I am writing this letter in support of Barkley's Do-It-Yourself Dog Wash and Barclay's Canine Club. I am a resident in the Sandalwood Estates Townhome neighborhood; I have utilized Barclay's Services numerous times. I feel very strongly that they are an asset to the community of Lake Park.

It is my understanding that the Town of Lake Park does not support the overnight stay of personnel at Barclay's. I am in full support of Barkley's having overnight personnel on this basis: first and foremost of the dog's safety and a business like this is a tremendous **asset** too the people of Lake Park and neighboring Palm Beach Gardens. In support of having on staff after hours personnel at Barkley's, I am willing too donate my services to provide Lab certified DRUG TESTING too each and every personnel that stay over night at the facility too ensure the safety of the dogs and the community.

Thank you



Anthony A Leo
President / Owner
24-Seven Drug Testing, Inc

AUDREY DAVIS
3928 BUTTERCUP CIRCLE NORTH
PALM BEACH GARDENS, FL 33410
561-685-3344

COMMUNITY

JAN -2 2013

COMMUNITY

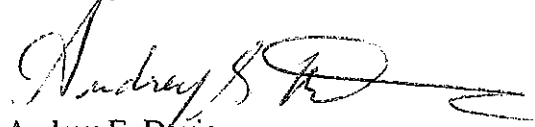
28 December 2012

To Whom It May Concern:

I am writing to recommend Barkley's. This is the one place my dogs can stay where they feel like they are at home and also allows me to travel and board them at a fraction of the price of having someone come into my home and stay with them. I prefer not to have to bring someone into my house to stay the night while I travel as all of my personal items are at risk. Instead, I would like the option of leaving my dogs with a loving person in a homelike setting instead of a cage and a run. When my girls stay at Barkley's, they can play with other dogs and get snuggles from a loving human anytime they want. This is a very important part of the reason I choose Barkley's.

Barkley's offers a much needed service in our community and I truly hope you allow them to continue. Thank you for your consideration.

Sincerely,



Audrey E. Davis

CLARK A. JOHNSON

COMMUNITY

JAN - 2 2013

COMMUNITY

December 30, 2012

To whom it may concern

My wife & I are excited
to learn that Bartley's

would be returning to
stay open 24 hrs a day -

We will rely on you to care

for our dog, Cooper and

provide an impartial sense

to dog owner all over

the Washou County area

Please say "yes" 

Lisa, Gary and Wallie Walker
9140A Sun Terrace Circle
Palm Beach Gardens, FL 33403

JAN - 2 2013

December 31, 2012
Re: Barkley's Overnight Boarding Service

To whom it may concern,

We have been clients of Barkley's Dog Wash for nearly two years since adopting our rescue Yorkshire Terrier in 2010 and were so happy when they began their overnight boarding supervised by a staff member.

As over protective dog owners, my husband and I will not leave our dog anywhere where he would be forced to board in a cage or not have supervision of a human to ensure his safety and the safety of the other canines boarding at the facility.

The quality of care and attention to our dog at Barkley's is fantastic. It is also wonderful that they post photos online so you may see your dog having a good time, which is such a worry anytime a pet owner has to leave their furry friend behind.

We hope the City of Lake Park will approve the continued 24 hour care available at Barkley's for our dog as well as the other many dogs that are currently being cared for by their amazing staff.



Signed,

Lisa, Gary and Wallie Walker

JAN - 2 2013

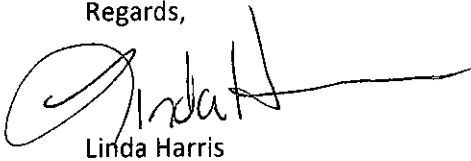
December 28, 2012

To whom it may concern:

Please give careful consideration to keeping Barkley's overnight boarding facility open. I discovered Barkley's earlier this year when they opened their daycare business. At the time my 2 furry babies, Ellie Mae & Otis would go to daycare & board at another facility in PBG. Once I met the wonderful owners Cindy & Carrie and the staff at the dog-wash & daycare, I saw how genuine, caring & loving they were toward all the dogs, I started to send my babies to Barkley's for daycare & boarding. Barkley's is like a second home for my dogs and they are treated like family by everyone on the staff. I completely trust the care of my babies to everyone on staff when I need to go out of town. They love when they have their doggie slumber parties and they have their freedom to sleep where they like. I also don't know of any other daycare facility that will take in foster dogs in the hopes that they will be adopted, which they have had success. Barkley's is wonderful and needs to stay open in the community as the only daycare/boarding facility. They are not a kennel, the dogs are not caged overnight and I can speak from experience that all the dogs are stress free when they go to Barkley's.

Please let Barkley's stay open for overnight boarding, if they don't I don't know what we would do when I have to go out of town. I can't imagine having Ellie Mae & Otis go back to a facility where they have to be in a cage and they don't receive special attention.

Regards,

A handwritten signature in black ink, appearing to read "Linda Harris", with a long horizontal flourish extending to the right.

Linda Harris

Ellie Mae & Otis

EXHIBIT "F"

LEGAL NOTICE OF PUBLIC HEARING FOR SPECIAL EXCEPTION USE
APPLICATION - TOWN OF LAKE PARK

PLEASE TAKE NOTICE AND BE ADVISED that the Town Commission will hold a public hearing on **Wednesday, August 21, 2013, at 6:30 p.m.** in the Lake Park Town Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, for a Special Exception application filed by Barkley's Canine Club, for an Animal Service Establishment which shall include the overnight boarding of dogs and a daytime outdoor play area within the Commercial-1 Business District, for a property located at 524 Northlake Boulevard, in the Town of Lake Park, Florida.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez

PUB: The Palm Beach Post – Friday, August 9, 2013

64'

SINGLE PALM TREES

296.69'

SITE PLAN

6' CONCRETE WALL TO SEPARATE COMMERCIAL/RESIDENTIAL

122'

55'

FENCED AREA WITH MESH FOR SCREENING

OUTDOOR AREA

9' X 18' PARKING SPACES
LEGAL NONCONFORMING

BARKLEY'S CANINE CLUB

BARKLEY'S DOG WASH

GROUND COVER

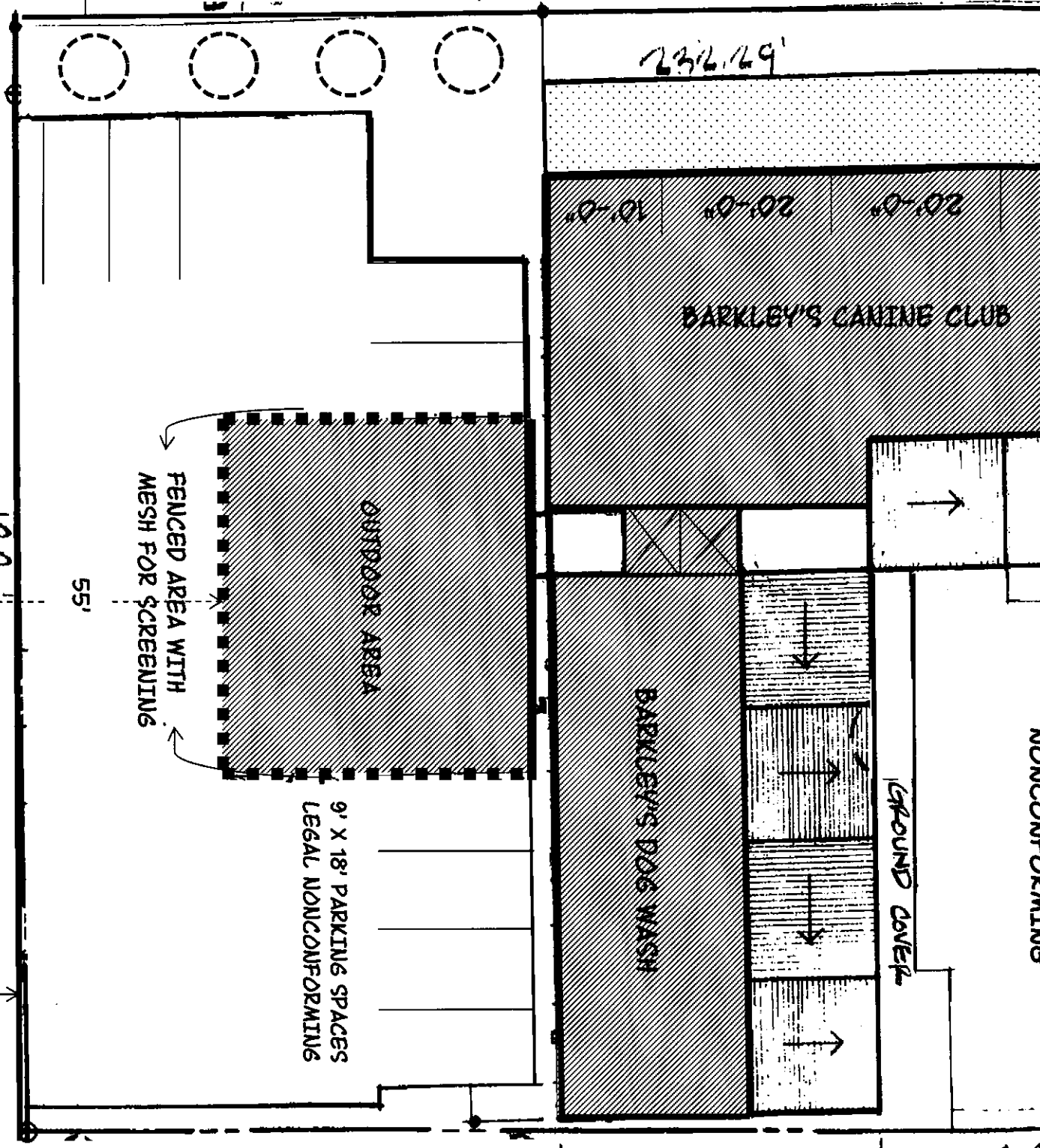
NONCONFORMING

40' 0"

218

page 1 of 2

11 G 11 717





Imagery Date: 3/21/2011

26°48'24.71" N 80°03'46.47" W elev 9 ft eye alt 624 ft

Google earth

Teak Dr

Google

Outdoor Area

24 Northlake Blvd

N

page 2 of 2

* outdoor area included on image 05-2013 *