



## Animal Services

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# Clay County Ordinance 2022-14 Section 4-37

## 4-37. - Breeders of dogs and cats.

(a) A breeder of dogs or cats, whether a person or entity and whether a commercial breeder or a hobby breeder, shall either be licensed by the United States Department of Agriculture as required by the Animal Welfare Act or licensed by the Division of Animal Services as required herein.

(b) Commercial breeder.

(l) A commercial breeder shall mean any person or entity that engages in the breeding of 4 or more female dogs or cats.

(2) A commercial breeder is required to comply with the licensing requirements of the United States Department of Agriculture pursuant to the Animal Welfare Act.

(3) If a commercial breeder is exempt from licensing under the Animal Welfare Act, such breeder is subject to the requirements and provisions set forth for a hobby breeder.

(c) Hobby breeder.

(l) A hobby breeder shall mean any person or entity that engages in the breeding of 3 or fewer female dogs or cats on their premises.

(2) License required; fee. Any hobby breeder must obtain an annual license from the Division of Animal Services. The license fee will be set by resolution of the Board and will not be based on the number of animals maintained on the premises. A license shall be issued only after an inspection that determines that the minimum requirements and standards set forth herein have been met. The license shall be valid for a period of one year from the date of issue, unless otherwise stated or revoked. Renewal applications shall be made within 30 days prior to the expiration date.

(3) Permitted animals; identification of animals. There shall be only one species and one breed of either dog or cat bred or kept at any individual licensed hobby breeder premises. There shall be no more than two litters or 20 puppies or kittens, whichever is greater, produced per hobby breeder per year. For protection and identification, all dogs and cats will be identifiable by either a tattoo or microchip. A microchip scanner must be on the premises if using an implanted microchip.

(4) Sale and return of animals. The offspring of the dogs or cats bred by a hobby breeder to enhance or perpetuate a given breed may be sold. If a new Owner becomes unable or unwilling to continue ownership and responsibility for a dog or cat, the hobby breeder seller shall assist in placement of the dog or cat. If no suitable placement can be found within six months, the hobby breeder shall accept return of the dog or cat if healthy, without having to refund any purchase price, and shall become fully responsible for its care with the option to resell.

(5) Personal pet exemption. A combined total of no more than four dogs or cats may be kept as personal pets in addition to the dogs and cats permitted under subsection (c)(3), above.

(6) Facilities.

- a. Hobby breeders must live on the premises where their facility is located.
- b. The facility, whether it be a private residence, portion of a private residence or a separate structure not physically connected to a private residence, shall be structurally sound and maintained in good repair to protect the animals from injury, to protect the animals against overexposure to the elements, to contain the animals and to restrict the entrance of other animals. The facility must provide adequate shelter from the elements and be kept clean and dry. The premises whereupon the facility is located as well as the facility shall remain free of accumulations of trash.
- c. The facility shall have ample light of good quality by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning and provide for the well-being of the animals. The animals shall be protected from excessive illumination.
- d. Pest control. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be established and maintained for the premises whereupon the facility is located as well as for the facility itself. Appropriate measures must be taken to control and restrict the entrance of rodents.
- e. Food safekeeping. The handling and storage of food on the premises and within the facility must occur in a manner that ensures against the introduction of parasites, disease vectors (such as insects) or chemical contaminants. Supplies of dry food shall be stored in areas that are cool, dry, clean and free of vermin and other potential contaminants. Refrigeration shall be provided for supplies of perishable food. Conditions affecting the shelf life of food such as date of manufacture, exposure to extremes in temperature and humidity, exposure to moisture, unsanitary conditions, exposure to light, exposure to oxygen, and exposure to insects shall be monitored to prevent deterioration of the nutrient value of food.
- f. All runs, exercise areas and primary enclosures shall meet the minimum setback provided for in the zoning code.
- g. Containment of animals. Outdoor areas for dogs must be double-fenced in order to ensure all dogs are contained and do not escape. If cats are allowed outdoors they must be kept in an enclosure that has four sides and an attached solid or wire mesh top or roof to prevent the cats from escaping the enclosure.
- h. Primary enclosures.
  1. A primary enclosure shall provide sufficient space to allow each enclosed animal to turn freely and to easily stand, sit and lie in a comfortable position. When a primary enclosure is used for more than one cat, resting perches shall be provided. The number of cats in a primary enclosure shall not exceed the number which would prevent proper ventilation and sanitation. If the primary enclosure is not of sufficient size to allow the cat(s) to express their specialized locomotor patterns, then an area shall be made available for the cat(s) to exercise and scratch at least once a day. When a primary enclosure is used for a dog, the dog shall be exercised a minimum of 30 minutes twice daily.
  2. Concrete floors and runs must have a resting board, and primary enclosures must have sanitary bedding. Easily accessible litter pans shall be provided for all cats at all times.

3. All primary enclosures shall be constructed of impervious porous materials and shall have floors of either solid construction or metal grid construction. Primary enclosures having metal grid floors can be used provided the grid size is smaller than the pads of the feet of the dogs confined therein. A primary enclosure shall not be constructed or maintained with an exposed wire mesh bottom, or any other material that will injure the feet or legs of a cat. No primary enclosure shall be enclosed entirely by solid walls. Stacked enclosures must have solid floors. Each primary enclosure shall be provided with a solid resting board and shall be of adequate size to comfortably hold all occupants of the enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
4. Cleaning of enclosures. Excrement shall be removed from enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning an enclosure, any animal contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other waste. A suitable method shall be provided to rapidly eliminate any excess water.
5. Sanitation of enclosures required. Prior to the introduction of animals into empty enclosures previously occupied, such enclosures shall be sanitized. Enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excrement or a disease hazard; provided, however, such enclosure shall be sanitized at least once a week.
6. Method of sanitation. Cages, rooms and hard-surfaced pens or runs shall be sanitized by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant. Pens or runs using gravel, sand or dirt shall be sanitized by removing the soiled gravel, sand or dirt and replacing it as necessary. Feces and soiled litter material shall be removed from all litter pans at least once a day. Absorbent litter and/or any other material used to absorb urine shall be changed when it becomes 30 percent saturated with urine.

i. Indoor facilities.

1. A source of heat and mechanical ventilation shall be available at the facility for use as necessary in preventing extremes in temperatures. Buildings must be maintained with suitable temperatures, ventilation and lighting. The ambient temperature shall be maintained in a range that ensures that the animals will not suffer from heat stress (heat stroke or hyperthermia), nor from cold stress (frostbite or hypothermia).
2. The interior building surfaces of any indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.
3. An indoor facility shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facility shall be provided with a source of fresh air by means of windows, doors, or vents and shall be ventilated in a manner that minimizes drafts, odors and moisture conditions.

j. Outdoor facilities.

1. Sufficient shade shall be provided to afford all animals protection from direct sunlight. Sufficient cover shall be provided to protect all animals from rain. Shelter shall be provided for all animals when the ambient temperature falls below 50 degrees Fahrenheit.

2. Sufficient clean bedding material or other means of protection from the weather elements shall be provided.

(7) Care.

- a. Animals shall be provided proper and necessary veterinary care.
- b. Food receptacles shall be accessible to all animals and shall be located to prevent contamination by excrement. Feeding dishes shall be kept clean. Self feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food. Food must be fresh, wholesome, palatable, nutritionally adequate and offered to each animal at least once daily.
- c. Water must be fresh and available at all times.

(8) Inspections and enforcement. It shall be a condition of the issuance of a license that an animal control officer shall be allowed, at any reasonable time, to inspect without notice the premises and any facility where animals are kept. The Division of Animal Services shall give a license holder a 24-hour advance notice of the annual inspection. However, no notice is required for routine investigations of complaints. Any alleged violations of this section will be investigated by the Division. Upon receipt of information of violation of this section, the Division may issue a notice of revocation to a license holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent to the address listed in the license application. No license shall be renewed if an applicant has had its license revoked within two years of the date of the application or has outstanding and unsatisfied civil penalties imposed due to violations of this article.

(9) Hearing. Any challenge to a notice of revocation must be in the form of a request for hearing and filed by the license holder with the Division of Animal Services within ten days after the license holder's receipt of said notice. The license holder shall set forth the reasons why the license holder believes the revocation would be an error. The challenge to a notice of revocation shall be accompanied by a filing fee to cover administrative cost involved in the challenge. Such fee shall be as set by Board resolution. Failure to timely request a hearing shall render the revocation final.

(10) Hearing on revocation. If a hearing is timely requested by the license holder, the Department Head shall immediately notify the County Manager, at which time a special magistrate will be appointed to serve as the hearing officer. Immediately following appointment, the hearing officer shall schedule a hearing, to be conducted not more than twenty-one (21) calendar days and not sooner than five (5) days after the Division's receipt of the request from the license holder; provided, upon the license holder's consent the hearing may be scheduled after said twenty-one (21) calendar days, but in no event later than sixty (60) calendar days after the Division's receipt of the request absent good cause. The hearing officer shall provide written notice to the license holder and the Department Head regarding the date, time and place of the hearing.

(11) Written decision. The hearing officer's written decision shall be provided to the license holder and the Department Head as provided below.

(12) Notice. Any written notification to a license holder under this section shall be by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.

(13) Penalty. In addition to any revocation proceeding under this section, any person who violates any provision of this section is subject to the penalties prescribed in section 4-30.