

ORDINANCE NO. 2025-005

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ESTABLISHING A MINIMUM INTERIOR SPACE REQUIREMENT TO MAINTAIN CANINES WITHIN THE TOWN; PROVIDING FOR INSPECTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as a result of the State of Florida's Homebased Business Statute, Section 559.955, some residents have created homebased businesses relating to the care of canines; and

WHEREAS, such businesses include, but are not limited to, grooming, breeding, training and boarding canines; and

WHEREAS, while some organizations, including the American Kennel Club ("AKC") and the American Society for Prevention of Cruelty to Animals ("ASPCA"), recommend 100 square feet per canine, other organizations, including the Animal and Plant Health Inspection Service, have a less stringent standard; and

WHEREAS, after reviewing the various agency recommendations and standards, the Town believes that a minimum interior space of 60 square feet per canine should be required to maintain canines within the Town; and

WHEREAS, all homebased businesses that maintain canines, are required to have a Certificate of Use, and shall be subject to this minimum interior space requirement; and

WHEREAS, all new Certificate of Uses issued for any homebased business relating to the maintenance of canines shall require a space plan showing the square footage of the canine use, that such square footage is not the primary use of the residence, the maximum number of canines being maintained, and that the Town is authorized to inspect the residence to ensure compliance with same; and

WHEREAS, all homebased businesses shall be in strict accordance with Section 559.955 of the Florida Statutes, as may be amended from time to time; and

WHEREAS, the ability to regulate the space necessary to maintain canines is a permitted police power; and

WHEREAS, the Town finds that this Code provision serves and addresses an important governmental interest, in a fair and constitutional manner, and that the adoption of this Ordinance is in the best interest of the public health, comfort, safety,

and welfare; and

WHEREAS, the Town has the power and authority to enact this Ordinance under State Law, the Florida Constitution, as well as controlling case law of the State of Florida.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. A section of the Town Code of Ordinances shall be created entitled "Maintenance of Canines" as follows:

- ***Maintenance of Canines.***

- (1) All homebased businesses that maintain canines shall be required to have a minimum interior space of 60 square feet per canine; and
- (2) All homebased businesses that maintain canines shall be required to obtain a Certificate of Use; and
- (3) All residents seeking a Certificate of Uses for homebased businesses that maintain canines shall provide a space plan showing the square footage of the canine use, that such square footage is not the primary use of the residence, the maximum number of canines being maintained, and that the Town is authorized to inspect the residence to ensure compliance with the Certificate of Use at anytime; and
- (4) If a request for an inspection is ever denied, the Town may immediately commence the procedures set forth in Sec. 005-120(C), in order to revoke the Certificate of Use; and
- (5) All homebased businesses shall be maintained in strict accordance with Section 559.955 of the Florida Statutes, as may be amended from time to time.

SECTION 3. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

PASSED ON FIRST READING this 12th day of December, 2024 on a motion made by Council Member Jablonski and seconded by Vice Mayor Hartmann.

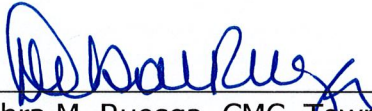
PASSED ON SECOND READING this 23rd day of January, 2025 on a motion made by COUNCIL MEMBER JABLONSKI and seconded by COUNCIL MEMBER KUCZENSKI.

Breitkreuz	<u>YES</u>	Ayes	<u>5</u>
Hartmann	<u>YES</u>	Nays	<u>0</u>
Allbritton	<u>YES</u>	Absent	<u>0</u>
Jablonski	<u>YES</u>	Abstaining	<u>0</u>
Kuczenski	<u>YES</u>		



Steve Breitkreuz, Mayor

Attest:



Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney
1001.111.2024