

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

ORDINANCE 2025-14

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING ARTICLE II OF CHAPTER 14 – ANIMALS; REPEALING SECTION 14-36, ANIMAL CONTROL BOARD, BY DELETING PROVISIONS RELATING TO THE ANIMAL CONTROL BOARD AND DELETING PROVISIONS RELATED TO THE ANIMAL CONTROL BOARD IN SECTION 14-57, “SPECIAL MAGISTRATE”; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

34
35
36
37
38
39
40
41
42

WHEREAS, pursuant to Article VIII, Section 1(g) of the Florida Constitution and Section 125.01, Florida Statutes, the Volusia County Council has broad home rule powers to govern the County, including the power to adopt ordinances as may be necessary to carry out both county and municipal powers and purposes; and

43
44
45

WHEREAS, the requirement that the Animal Control Board make recommendations regarding standards and procedures that impact the Animal Services Division is not the most efficient or effective method of advancing the public purpose of animal control; and

WHEREAS, in order to increase efficiency within the Animal Services Division it has become necessary to repeal the Animal Control Board; and

WHEREAS, Volusia County seeks to amend Article II, Chapter 14, Sections 14-36 and 14-57 of the Code of Ordinances, County of Volusia, pertaining to the Animal Control Board; and

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I: Incorporation of Recitals. The above recitals represent the legislative findings of the Volusia County Council supporting the need for this ordinance.

SECTION II: Chapter 14, Article II of the Code of Ordinances, County of Volusia is hereby amended to read as follows:

~~Sec. 14-36. Animal Control Board.~~

~~(a) Established. There is hereby established a county Animal Control Board.~~

~~(b) Orientation. The County staff will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint~~

Animal Control Board members with procedures, including Roberts Rules of Order, Sunshine Law, public records law, and County staff that will be assigned to the Volusia County Animal Control Board.

(e) Membership; term of office. The composition, appointment, and term of members of the Animal Control Board shall be as follows:

(1) The Animal Control Board shall consist of nine (9) members and may include, whenever possible, a licensed veterinarian, a humane society representative, a cat owner, a member of a kennel club, a hunter, a County citizen from an unincorporated residential area, an owner of livestock, a County citizen from an unincorporated agricultural area, and a County citizen from any unincorporated area with an expressed interest in animal issues. All members shall be electors of Volusia County.

(2) All members of the Animal Control Board shall be appointed by and serve at the pleasure of the County Council. Any member of the Animal Control Board may be removed from office without cause by the County Council. The chairperson of the Animal Control Board shall be elected annually from among the appointed members of the Animal Control Board.

(3) Terms of the Animal Control Board shall be for two (2) years. The County Council shall appoint each Board member, upon the nomination of a Council member. Each district Council member shall make one (1) nomination of an elector from within the County. The County Chair and At-large member shall each make two (2) nominations of an elector from within the County.

(4) No elected official, member of two (2) or more other County boards or commissions, or an employee of County government shall be appointed to serve on the Animal Control Board. If any member fails to attend two (2) meetings in any calendar year, regardless of the reason, the member's seat shall be deemed vacant.

(5) An Animal Control Board vacancy shall be filled upon nomination by the County Council member who made the nomination to the vacated position or the successor to that Council member.

(d) Functions. The functions of the Animal Control Board shall be as follows:

(1) Meet at least quarterly, but no more than six (6) times annually, unless otherwise needed.

(2) Recommend to the County Council rules and regulations pertaining to any of the following:

a. Operation of any County animal control facilities.

b. Standards and procedures for the control, collection, care, custody, or disposal of animals not under restraint, and animals creating or causing a public nuisance.

c. Standards for the maintenance of regulated facilities.

87 ~~(e) Quorum. Five (5) members in attendance at a duly noticed meeting shall~~
88 ~~constitute a quorum and be necessary to conduct any business of the Animal~~
89 ~~Control Board. The affirmative vote of a majority of the members present at a~~
90 ~~meeting of the Animal Control Board shall be necessary for any action taken by~~
91 ~~the Board.~~

92 ...

93 **Sec. 14-57. Special Magistrate.**

94 ...

95 (b) Qualifications. Each special magistrate shall be a licensed attorney with the
96 Florida Bar who has practiced law in the State for at least five (5) years, and who
97 has experience in local government law or administrative law. ~~No special~~
98 ~~magistrate shall represent clients against the County before the Animal Control~~
99 ~~Board during the period in which they serve as a special magistrate. No special~~
100 ~~magistrate or law firm with which he or she may be associated shall represent a~~
101 ~~client in any judicial or administrative proceeding in which the County is an~~
102 ~~adverse party under Chapter 828, Florida Statutes; Sections 767.12 or 767.13,~~
103 ~~Florida Statutes; or Chapter 14, Code of Ordinances, County of Volusia.~~

104
105 **SECTION III: AUTHORIZING INCLUSION IN CODE** - The provisions of this
106 ordinance shall be included and incorporated into the Code of Ordinances of the County
107 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered
108 to conform to the uniform numbering system of the code.

109
110 **SECTION IV: SEVERABILITY** - Should any word, phrase, sentence, subsection,
111 or section be held by a court of competent jurisdiction to be illegal, void, unenforceable,
112 or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall
113 be severed from this ordinance and all other words, phrases, sentences, subsections, or
114 sections shall remain in full force and effect.

115
116 **SECTION V: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
117 conflict herewith are, to the extent of such conflict, repealed.

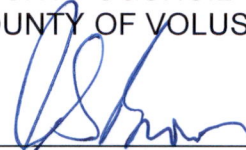
118
119 **SECTION VI: EFFECTIVE DATE** - A certified copy of this Ordinance shall be filed
120 with the Department of State by the County Manager within ten (10) days after enactment
121 by the County Council and this Ordinance shall take effect upon filing with the Department
122 of State.

123 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
124 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
125 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
126 DELAND, FLORIDA, THIS 6th DAY OF may, 2025 A.D.

127
128
129
130 ATTEST:

131 
132 _____
133
134 George Recktenwald
135 County Manager
136

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA



Jeffrey S. Brower
County Chair

