

INTRODUCED BY:  
MAYOR PRUETTE



ORDINANCE NO. 2015-20

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 6, ANIMALS, CREATING ARTICLE III, "COMMERCIAL ANIMAL ESTABLISHMENTS," ADDING SECTION 6-34, REQUIREMENTS FOR SALES OF DOGS AND CATS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED SOURCES; PROVIDING FOR CERTIFICATE OF SOURCE; AND PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Whereas**, the humane treatment of animals is an important public purpose; and

**Whereas**, puppy and kitten mills are inhumane and unsanitary commercial breeding facilities for dogs and cats in which the health of the dogs and cats is disregarded to maintain a low overhead and maximize profits ; for example, by keeping parent dogs and cats in cages for their entire lives without adequate food, water, veterinary care, or socializations; breeding females multiple times per year with little to no recovery time between litters; and breeding dogs and cats regardless of whether they carry congenital or hereditary diseases; and

**Whereas**, according to United States Department of Agriculture reports, documented problems found at puppy and kitten mills include; 1) sanitation problems leading to infectious diseases; 2) large numbers of animals overcrowded in cages; 3) lack of proper veterinary care for severe illnesses and injuries; 4) lack of protection from harsh weather conditions; and 5) lack of adequate food and water; and

**Whereas**, the Humane Society of the United States estimates that each year two to four million dogs and cats are born in the United States in puppy and kitten mills; and

**Whereas**, the most effective away to stop puppy and kitten mills is to discourage the purchase and sale of puppies and kittens produced at these inhumane facilities; and

**Whereas**, according to the Humane Society of the United States, although American consumers purchase dogs and cats believing the pets to be healthy and genetically sound, in reality, the animals that come from mills often face an array of health problems; including not only communicable diseases or genetic disorders that present immediately after sale, but also diseases or disorders that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

**Whereas**, numerous alternatives exist for people to find pets, including adoption of animals from public and private animal rescue organizations or purchase from reputable and conscientious breeders; and

**Whereas**, across the country, thousands of independent pet stores and large chain stores operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, often collaborating with local animal shelters and rescue

organizations to offer space and support for showcasing adoptable, homeless pets on their premises; and

**Whereas**, the adoption of regulations governing the sale of dogs and cats in the City will promote community awareness of animal welfare and foster a more humane environment and encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the costs to the public of sheltering animals.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA,**

**Section 1.** Chapter 6, Article III, Section 6-34. Requirements for Sales of Dogs and Cats shall be created as follows:

**Sec. 6-34. Requirements for Sales of Dogs and Cats. Requirements for sale of dogs and cats; definitions; permitted sources; certificate of source; penalties.**

(a) Definitions. For purposes of this Section, the following words, terms, and phrases shall have the following meanings:

- (1) Animal Rescue Organization means a humane society, animal welfare society, for the prevention of cruelty to animals, or other such not-for-profit corporations or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction in which the not-for-profit legal entity is headquartered.
- (2) Breeder means any person or entity that causes animals dogs or cats to reproduce, regardless of the size or number of litters produced. However, this definition shall not apply to a pet owner who breeds his or her own pet and keeps all of the offspring. ~~—An establishment used for breeding, except for a hobby breeder as provided herein, shall be regulated as a kennel.~~
- (3) Hobby Breeder means a person or entity that is an active member of a national, state or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose(s) of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell two (2) litters of puppies or kittens per year, per household. , so long as the total number of dogs and/or cats kept on the premises does not constitute a kennel as defined herein. ~~— A hobby breeder that sells more than two litters per year, per household shall be deemed to be a pet dealer, as defined herein.~~
- (4) Cat means an animal of any age of the genus Felis catus.
- (5) Dog means an animal of any age of the genus Canis lupus familiaris or resultant hybrids.

- (6) Pet dealer means any person that, in the ordinary course of business, engages in the sale to the public of more than two (2) litters, or 20 dogs or cats, per year regardless of number per year, whichever is greater. ~~This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders, as defined herein, shall be exempt from this classification.~~
- (7) Pet shop means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.
- (8) Public animal shelter means a facility that is used for housing or containing dogs or cats or other animals, and that is operated by or on behalf of a state, county, municipality, or other governmental entity.
- (9) Sale means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.
- (b) Permitted sources. After February 1, 2016, pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:
- (1) An animal rescue organization, as defined in this section; or
  - (2) A public animal shelter, as defined in this section.
- (c) Certificate of source. A pet dealer or pet shop that obtains dogs or cats from a permitted source shall post conspicuously on the cage of each dog and cat, the following information:
- (1) Copy of a notarized affidavit of verification form the source from which the dog or cat was obtained. A copy of the certificate of source shall also be provided to the purchaser or transferee of any dog or cat;
  - (2) The name and address of the source from which the dog or cat was obtained and the date thereof;
  - (3) A description of the dog or cat, including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and
  - (4) For each dog or cat receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.
- (d) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.
- (e) Special magistrate. A notice of violation shall be taken before the City's special magistrate for consideration of the applicable fines. The special magistrate shall exercise jurisdiction over such matters as set forth in Section 2-439 of the Code of Ordinances of the City of Neptune Beach.

- (f) Penalties. Any person who violates this section shall be subject to a fine of \$250.00 per day per dog and / or cat for the first violation within a 12-month period, and a fine of \$500.00 per day per dog and /or cat for any subsequent violation within a 12-month period. The Neptune Beach Police Department / Neptune Beach Animal Control shall enforce the provision set forth within this Section.

**Section 2.** That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

**Section 3.** This Ordinance shall become effective upon its adoption in accordance with the law.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on First Reading this 2<sup>nd</sup> day of November, 2015.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Adopted on Second and Final Reading this day 4<sup>th</sup> of January, 2016.

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Harriet Pruette, Mayor

ATTEST:

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Karla Strait, CMC, City Clerk

Approved as to form and correctness:

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Patrick Krechowski, City Attorney