

Introduced By: Council Member Jeanell Wilson

1st Reading: August 3, 2015

2nd Reading: August 17, 2015

ORDINANCE NO. 2015-8063

AN ORDINANCE AMENDING CHAPTER 5, “ANIMALS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY CREATING ARTICLE II, DIVISION 1, “COMMERICAL ANIMAL ESTABLISHMENTS,” BY CREATING SECTION 5-35, TO BE ENTITLED “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; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; 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 socialization; 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 way 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 OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That the Code of Ordinances, City of Jacksonville Beach, Florida Article II, Division 1, is hereby amended by adding Section 5-35, "Commercial Animal Establishments," which section reads as follows:

DIVISION 1. - GENERALLY

Sec. 5-35. Commercial Animal Establishments – Requirements for sales 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, society for the prevention of cruelty to animals, or other such not-for-profit corporation 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 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, so long as the total number of animals does not exceed the maximum number set forth in Section 34-392(2).
- (3) Cat means an animal of any age of the genus *Felis catus*.
- (4) Dog means an animal of any age of the genus *Canis lupus familiaris* or resultant hybrids.

- (5) Pet dealer means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, regardless of number per year, whichever is greater. Animal rescue organizations and breeders shall be exempt from this classification.
 - (6) Pet shop means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.
 - (7) 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.
 - (8) 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 August 17, 2015, 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 from 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 does not apply to an animal shelter or animal rescue organization that operates out of or in connection with a retail store.
- (e) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs or cats from the premises on which they were bred and reared.
- (f) 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 Article VI, Section 2-170 of the Code of Ordinances of the City of Jacksonville Beach.

- (g) 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 Jacksonville Beach Police Department / Jacksonville Beach Animal Control shall enforce the provisions set forth within this Section.

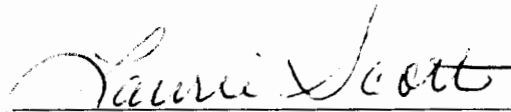
SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption in accordance with the law.

DONE IN OPEN MEETING THIS 17th DAY OF August, A.D. 2015.



William C. Latham, MAYOR



Laurie Scott, CITY CLERK