

ORDINANCE 18-20

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA; CREATING A NEW SECTION 10-7 TO BE TITLED "REGULATION OF DOG AND CAT SALES"; CREATING DEFINITIONS OF PET STORE, ANIMAL RESCUE OR HUMANE ORGANIZATION AND RETAIL SALES; BANNING THE SALE OF DOGS AND CATS IN PET STORES UNLESS THEY COME FROM AN ANIMAL RESCUE OR HUMANE ORGANIZATIONS; CREATING RESTRICTIONS ON THE AGE AND HEALTH OF DOGS AND CATS SOLD IN PET STORES; REGULATING THE DISPLAY OF DOGS AND CATS IN PET STORES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are no pet stores currently selling dogs or cats in the City of Dunedin; and

WHEREAS, the City Commission wishes to take a proactive rather than reactive approach to stop large-scale commercial dog breeding operations from selling puppies to pet stores; and

WHEREAS, the City Commission wishes to address what may be considered consumer fraud, public safety, animal welfare and/or taxpayer issues due to congenital illnesses and lack of animal welfare as many puppy mill puppies are sick and may cost consumers thousands of dollars in veterinarian bills; and

WHEREAS, it is the position of the City Commission that its residents should "adopt and not shop;" however, if someone has to buy a dog or a cat, they should only buy from breeders who sell directly to the public.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 10-7 of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

Sec. 10-7. - Regulation of dog and cat sales.

(a) *Definitions.* For the purposes of this section:

- (1) The term "pet store" shall mean any retail establishment, including any use known as, a pet shop, dog beauty parlor, pet hospital, flea market, which is open to the public and engaging in retail sale of pet supplies or services, or dogs or cats or any combination of dogs and cats.
- (2) The term "retail sale" includes display, offer for sale, offer for

adoption, barter, auction, or otherwise transfer for compensation of dogs, cats, or both.

(3) The term "animal rescue" means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

(4) The term "humane organization" means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

(b) *Prohibition.*

(1) No pet store shall offer for retail sale any dog or cat in the City.

(2) No person shall make or offer for retail sale any dog or cat on or in any street, public property, or commercial parking lot.

(c) *Exemptions.* The retail sale prohibition shall not apply to:

(1) A person who engages in hobby or home breeding with a valid Pinellas County Hobby Breeder Permit and sale of dogs or cats at their residence;

(2) An animal rescue or humane organization;

(3) A pet store which only displays dogs or cats in accordance with an agreement to display animals for retail sale or adoption on behalf of an animal rescue or humane organization.

(d) *Display of dogs and cats.* Any dog or cat displayed or available for retail sale by an exempt person or entity pursuant to this section shall comply with the following:

(1) All dog and cat displays must include a placard or other identification including the breed or type of animal (if known), approximate age, source of the dog or cat, and any known health issues of the dog or cat.

(2) All identification information and records, including the

source of the dog or cat, and the buyer's contact information must be kept on file for at least one year after the sale or transfer of ownership of the dog or cat.

- (3) All dogs or cats must be a minimum of eight weeks old.
 - (4) All dogs or cats on display for retail sale must have access to fresh water.
 - (5) All display areas shall be kept clean and free of waste.
 - (6) Each dog or cat available for retail sale must be accompanied by a current health certificate of veterinary inspection dated not more than 30 days before the retail sale of any dog or cat.
 - (7) The seller of any dog or cat shall advise the buyer of Florida law that requires all dogs and cats four months of age or older receive a rabies vaccine.
 - (8) The seller of any dog or cat shall advise the buyer of the Pinellas County ordinance that requires all dogs and cats four months of age or older to be licensed and that the buyer must purchase the license from Pinellas County.
- (e) *Penalties.* The fine for each violation of this section shall be \$500.00 per violation. Each dog or cat sold or offered for sale in violation of this section shall constitute a separate offense.

Section 2. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this Ordinance.

Section 3. This Ordinance shall take effect upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 26th day of July, 2018.

Julie Ward Bujalski
Mayor

ATTEST:

Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: July 12, 2018

READ SECOND TIME AND ADOPTED: July 26, 2018