

ORDINANCE NO. 20-09

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS" OF THE CODES OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY, FLORIDA, BY AMENDING SECTION 6-19 (DEFINITIONS) TO ADD CERTAIN DEFINITIONS; CREATING SECTION 6-35 (SALE OF DOGS AND CATS) ESTABLISHING REQUIREMENTS FOR THE SALE OF DOGS AND CATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish programs providing for the health, safety and general welfare of the residents of St. Lucie County; and,

WHEREAS, Chapter 6 (Animals) of the St. Lucie County Code of Ordinances and Compiled Law (the "Animal Control Ordinance") provides for the regulation and control of animals in the unincorporated areas of St. Lucie County; and,

WHEREAS, "puppy mills" and "kitten factories" are facilities that often house multiple breeds of animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization; and,

WHEREAS, puppy mills and kitten factories often sell the puppies and kittens to brokers who in turn ship the animals, regardless of their condition, in cages without regard to sanitary conditions, food, or water to retail facilities for sale to the public; and,

WHEREAS, due to the conditions in puppy mills and kitten factories, animal are put up for sale at retail facilities with undiagnosed and/or untreated hereditary and congenital disorders, infectious diseases, and environmental contamination, any of which may be present at the time of sale or shortly after a sale; and,

WHEREAS, County residents who purchase puppies and kittens from retail stores which obtain the animals from directly or via brokers from puppy mills and kitten factories may be faced with large veterinary costs to care for their new pets which may extend for the life of the animal or even the death of the animal due to its medical condition; and,

WHEREAS, the Animal Shelter Standards Committee has recommended to the Board of County Commissioners certain amendments to Chapter 6 regarding the sale of dogs and cats; and,

WHEREAS, the Board of County Commissioners finds that it is reasonable and necessary to establish minimum standards governing the sale of dogs and cats in the unincorporated areas of the County to protect the health, safety, and welfare of both animals and pet owners; and,

WHEREAS, the Board further finds that such regulations constitute a legitimate purpose and will encourage pet consumers to obtain dogs and cats from shelters, animal rescue organizations, or hobby breeders thereby saving animal lives and reducing the cost to the public of sheltering and euthanizing abandoned and unwanted animals.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. CHAPTER 6 “ANIMAL AND FOWL” IS HEREBY AMENDED BY AMENDING SECTION 6-19 (DEFINITIONS) TO AMEND AND ADD DEFINITIONS AS FOLLOWS:

Sec. 6-19. Definitions.

Certificate of Source means a document from the source declaring the origins of the dog or cat on the premises to be sold or transferred, or offered for retail sale or transfer.

Hobby breeder means any person or entity that cause or allows the breeding or studing of a dog or cat resulting in no more than a total of one (1) litter per calendar year whether or not the animals in such litter are offered for sale or other transfer.

Pet seller means any person, retail establishment, or other entity, other than a registered breeder pursuant to section 6-53, governmental entity, or nonprofit corporation which has been granted 501.C (3) status by the Internal Revenue Service, who offers for sale or transfer one or more dogs or cats for monetary or other consideration, regardless of the age of the animal, other than a registered breeder pursuant to section 6-53, a hobby breeder, a governmental entity, or a nonprofit corporation which has been granted 501.C (3) status by the Internal Revenue Service.

Veterinarian means a health care practitioner who is licensed to engage in the practice of medicine in the State of Florida pursuant to Chapter 474, Florida Statutes.

PART B. CHAPTER 6 “ANIMAL AND FOWL” IS HEREBY AMENDED BY CREATING SECTION 6-35 (SALE OF DOGS AND CATS) AS FOLLOWS:

Sec. 6-35 Retail Sale of dogs and cats.

(a) An adoption-based business model shall be required for the retail sale of dogs or cats by a pet seller whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. A pet seller shall not offer for retail

sale dogs or cats purchased directly from a breeder or a hobby breeder as defined in Section 6-19, or indirectly through some other intermediary such as a broker or wholesaler.

(a) Pet sellers 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 unincorporated areas of the County, unless the pet seller certifies that the dog or cat comes from one of the following sources:

(1) An animal shelter as defined in Section 6-19, or

(2) An animal rescue organization as defined in Section 6-19.

(c) Any dog or cat offered for sale in the unincorporated areas of the County must have a current certificate of veterinary inspection as set forth in Section 828.29, Florida Statutes. At the time of sale of the animal, the seller shall provide a copy of the original certificate of veterinary inspection to the buyer. The seller shall retain one copy of the official certificate of veterinary inspection on record for at least one year after the date of sale.

(d) A pet seller that obtains dogs or cats from a permitted source as provided in Subsection 6-35(a) shall post conspicuously on the cage of each dog and cat a Certificate of Source and provide a copy of the Certificate to the purchaser or transferee of the animal who shall sign the Certificate. The pet seller shall retain a copy of the Certificate of Source signed by the purchaser or transferee. The Certificate of Source shall contain the following information:

(1) The name and address of the source from which the cat or dog was obtained and date thereof;

(2) A description of the dog or cat, including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known);

(3) For each dog or cat receiving medical care while in the custody or control of the pet seller, the type of service rendered, date, and the veterinarian's name and contact information; and,

(4) The signature of the pet seller certifying the accuracy of the certificate.

(e) Breeders as defined in Section 6-19 must maintain records for a period of at least three (3) years following the birth of each litter of dogs and/or cats and veterinary records for rabies vaccinations, all other inoculations, and any medical conditions of each dog and/or cat. These records shall be made available to the County upon request.

(f) Before a dog is offered for sale or transferred:

(1) It shall be a minimum of eight (8) weeks old;

(2) It shall receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:

- A. Canine distemper, leptospirosis; Bordetella, parainfluenza; hepatitis; canine parvo; rabies, if the dog is over four months old and the inoculation is administered by a veterinarian licensed by the State of Florida; roundworm; hookworm and other internal parasites;
- B. The tests, vaccines, and anthelmintics must be administered prior to the dog being offered for sale, unless a veterinarian licensed by the State of Florida certifies on the official Health Certificate that to inoculate or deworm the dog is not in the best medical interest of the dog.
- C. If the dog is under four (4) months of age the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before the sale. If the dog is four (4) months or older, the tests, vaccines, and anthelmintics must be administered at or after three (3) months of age, but no more than one (1) year before the sale. If the dog is six (6) months of age, it shall also be tested for heartworms.

(g) Before a cat is offered for sale or transferred:

(1) It shall be a minimum of eight (8) weeks old;

(2) It shall receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:

- A. Panleukopenia, feline viral rhinotracheitis, calici virus, rabies if the cat is over four (4) months of age and the inoculation is administered by a veterinarian, hookworm, roundworms and other internal parasites.
- B. The tests, vaccines, and anthelmintics must be administered prior to the cat being offered for sale, unless a Veterinarian certifies on the official Health Certificate that to inoculate or deworm the cat is not in the best medical interest of the cat.
- C. If the cat is under four (4) months of age the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before the sale. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics must be administered at or after three (3) months of age, but no more than one (1) year before the sale.

(3) Each cat must also be tested for feline leukemia and FIV before being offered for sale or transfer.

(h) The Board shall establish fines for violation of this section by resolution.

PART C. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the District that the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, the Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chair Cathy Townsend	XX
Vice Chair Chris Dzadoovksy	XX
Commissioner Frannie Hutchinson	XX
Commissioner Sean Mitchell	XX
Commissioner Linda Bartz	XX

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts F through J shall not be codified.

PASSED AND DULY ADOPTED this XX day of XX, 2020.

ATTEST:

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

**BY: _____
County Attorney**