

ORDINANCE 2015-07

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING CHAPTER 18, ANIMALS, BY AMENDING ARTICLE III, COMMERCIAL ANIMAL ESTABLISHMENTS BY CREATING SECTION 18-17 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, puppy mills are inhumane and unsanitary commercial breeding facilities for dogs in which the health of the dogs is disregarded to maintain a low overhead and maximize profits for example by keeping parent dogs 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 regardless of whether they carry congenital or hereditary diseases; and

WHEREAS, according to United States Department of Agriculture reports documented problems found at puppy 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 puppies are born in the United States in puppy mills; and

WHEREAS, kittens are also inhumanely bred and housed in similarly cruel mills or kitten factories; 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 sheltering 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, THE CITY OF FERNANDINA BEACH HEREBY ORDAINS:

SECTION 1. INCORPORATION OF WHEREAS CLAUSES.

The foregoing WHEREAS clauses are hereby adopted as legislative findings of the City Commission, are ratified and confirmed as being true and correct and are hereby fully incorporated herein and made a specific part of this Ordinance upon adoption hereof.

SECTION 2. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida Article III, Commercial Animal Establishments, is hereby amended by adding a section to be numbered 18-17, which section reads as follows:

ARTICLE III. - COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 18-17. 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 18-16 above.
- (3) Cat means an animal of any age of *Felis catus*.
- (4) Dog means an animal of any age of the *Canis lupus familiaris* or resultant hybrids.
- (5) Hobby Breeder means any person who breeds occasionally, once or twice a year, and doesn't consider the proceeds of the sale of puppies or kittens to be taxable income and thus they do not report it on their income tax.
- (6) 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. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders 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 October 1, 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 above; or
- (2) A public animal shelter, as defined in this section above.
- (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:
- (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 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) Penalties. Any person who violates this section shall be subject to a fine of \$250.00 per day per dog or cat for the first violation within a 12-month period, and a fine of \$500.00 per day per animal for any subsequent violation within a 12-month period. The Fernandina Beach Police Department and/or Fernandina Beach Animal Rescue, Inc. shall enforce the provisions set forth within this Section.


SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

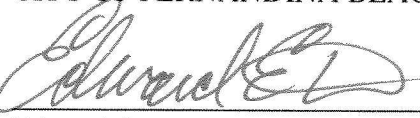
SECTION 4. That this Ordinance shall become effective immediately upon its final adoption.

PASSED AND ADOPTED, this 7th day of July, 2015.

ATTEST:




Caroline Best
City Clerk

CITY OF FERNANDINA BEACH


Edward E. Boner
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

June 24th, 2015
Newshaker Edition

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH**

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 7, 2015,
at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to
consider the following application:

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Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday, (904) 310-3115.

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2015-07
Prohibiting "Puppy and Kitten Mills" within City Limits

DEPARTMENT: City Attorney's Office

ATTACHMENTS: Ordinance ___ Resolution
 ___ Support Documents ___ Other

RECOMMENDED ACTION: Approve Ordinance 2015-07 at 2nd Reading.

SUMMARY: This Ordinance is placed on the agenda at the request of Vice Mayor Miller. This Ordinance requires pet dealers and pet shops that sell or transfer dogs and/or cats to certify that the source of the dogs and cats they are selling is either an animal rescue organization or a public animal shelter. In other words, not pet dealers or pet shops within City limits can sell dogs or cats obtained from breeders. Consumers can obtain dogs or cats directly from breeders, though.

This Ordinance was amended and approved at 1st reading by the City Commission on June 2, 2015.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: See above.

DEPARTMENT HEAD	Submitted by: Tammi Bach City Attorney	Date: 6/16/15
	Requested Agenda	Date: 7/7/15
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date: _____
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: <i>6/19/15</i>
CITY MANAGER	Approved Agenda Item for 7/7/15 <i>[Signature]</i>	Date: 6/16/15

COMMISSION ACTION: Approved As Recommended ___ Disapproved
 ___ Approved With Modification ___ Postponed to Time Certain
 ___ Other ___ Tabled

Approved at the City Commission
Regular Meeting
Held on *7/7/15*
Voted: *5-0* Initial: *TEB*