

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 302 OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA, ENTITLED “RETAIL SALE OF DOGS AND CATS”; AND PROVIDING FOR CODIFICATION, SEVERABILITY, A GENERAL REPEALER AND AN EFFECTIVE DATE.

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, these facilities do not use the breeding dogs and cats as pets, rather their only purpose is to produce puppies and kittens to be sold at retail stores across the country; and

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

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

WHEREAS, the Indian River County Board of County Commissioners (the “Board”) has heard testimony from local residents who purchased puppies from retail stores who spent large sums of money on veterinary care for health problems for puppies that came from puppy mills and therefore finds it reasonable and necessary to provide minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; and

WHEREAS, the Board also finds that such regulation constitutes a legitimate purpose, and will encourage pet consumers to obtain dogs and cats from shelters, animal rescue organizations, or hobby breeders thereby saving animals lives and reducing the cost to the public of sheltering and euthanizing animals;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

SECTION 1. AMENDMENT

Section 302.02. – Definitions.

8. Certificate of Source. A document from the Humane Society, animal control agency, animal rescue organization, pet dealer, or hobby breeder declaring the source of

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origin of a dog or cat on the premises offered for retail sale, as defined in this Section. The Certificate of Source must include at a minimum: (1) a brief description of the dog or cat; (2) the name, address, telephone number and email address of the source of the dog or cat; (3) the signature of the Pet Shop certifying the accuracy of the certificate; and (4) the signature of the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

16. *Humane Society or Animal Rescue Organization*: The Humane Society of Vero Beach and Indian River County, Inc., or any association, organization or corporation, whether for profit or not, which pursues substantially similar goals and objectives. An Animal Rescue Organization shall be a duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals that does not breed animals.

26. *Pet dealer and hobby breeder*: A pet dealer is ~~A~~any person that, in the ordinary course of business, engages in the sale of more than two (2) litters, or twenty (20) dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer. A hobby breeder is any person or entity, that intentionally causes or allows willfully or through failure to exercise due care and control, the breeding or studing of a dog or cat resulting in no more than a total of two (2) litters per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

27. *Pet shop*. A business entity that has obtained a tax receipt or occupational license, open to the public, that sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment. Indian River County Animal Services Shelter and animal rescue organizations are not considered a pet shop under this Chapter.

Section 302.15. - Retail sale of dogs and cats.

(a) An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop or pet supply store 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. It also means that dogs or cats purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for retail sale.

(b) No pet shop or pet supply store shall offer dogs or cats in Indian River County, unless the dog or cat was obtained from:

(1) An animal shelter;

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- (2) An animal rescue organization.
- (c) This adoption-based business model for the retail sale of dogs or cats in the County applies to any pet supply store or pet shops opened, transferred, assigned, or sold by owners of existing Pet Shops after the effective date of the Chapter.
- (d) An official certificate of veterinary inspection must accompany the sale of any cat or dog transported into the state, in compliance with Section 828.29(3), Florida Statutes, as this statute may be amended from time to time.
- (e) Pet shops and pet supply stores shall post and maintain a certificate of source, as defined in section 302.02.8, on each dog and cat's cage, kennel, or enclosure, within clear view, and shall provide a copy of the certificate to the purchaser or transferee of any such dog or cat sold or transferred.
- (f) Pet Shops and pet supply stores shall maintain records, stating the name, address, telephone number and email of the animal shelter or animal rescue organization from which each dog or cat was acquired for three (3) years following the date of acquisition or in accordance with the required relation time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, and maintain a copy of the record for the previous year subject to inspection by the County's animal control officers or any other County officials charged with enforcing the provisions of this Section.
- (g) Any such records shall be made available, immediately upon request, to the County's animal control officers and any other County officials charged with enforcing the provisions of this Section.
- (h) Falsification of records by pet shops is hereby deemed unlawful and subject to the penalties of this Chapter.

Section 302.16. - Prohibition on retail sale in public places.

- (a) There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivals, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar locations, regardless of whether such access is authorized by the owner.
- (b) This Section shall not apply to the retail sale of dogs or cats by an Animal Shelter or Animal Rescue Organization.

Section. 302.17. - Enforcement and penalties.

- (a) Any Pet Shop or pet supply store found to be in violation of the provisions of this Chapter may be subject to any applicable enforcement mechanism available to the County including, but not limited to: prosecution in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes, as this statute may

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be amended from time to time. It shall be a violation of this Chapter to fail to comply with any of the requirements or restrictions contained in this Chapter.

- (b) Each dog or cat produced, reared, bred, kept, sold, or released in violation of this Chapter will be deemed a separate offense, and a separate offense will be deemed committed on each day during on or which a violation occurs or continues.
- (c) Violations of this Chapter are classified as a civil infraction in accordance with Section 828.27(2), Florida Statutes, as this statute may be amended from time to time.
- (d) The County may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this Chapter.
- (e) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. All Pet Shops or pet supply stores found to be in violation will be required to correct or remedy such violations immediately.

Section. 302.18. - Applicability.

Sections 302.15 - 302.18 shall apply to the unincorporated areas of Indian River County.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

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ORDINANCE NO. 2019- _____

This ordinance was advertised in the Indian River Press Journal on the 7th day of June, 2019, for a public hearing to be held on the 18th day of June, 2019, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Bob Solari	_____
Vice-Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Peter D. O'Bryan	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 18th day of June, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA**

By: _____
Bob Solari, Chairman

**ATTEST: JEFFREY R. SMITH, CLERK
AND COMPTROLLER**

By: _____
Deputy Clerk

Approved as to form and
Legal sufficiency:

William K. DeBraal
Deputy County Attorney

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the _____ day of _____, 2019.

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