

Ordinance No. 2018-4470

An Ordinance of the City of Sanford, Florida relating to the retail sale of dogs and cats in public places (“puppy mills” and “kitten factories”); providing for definitions; providing for conditions and restrictions and other requirements; providing for penalties; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification as well as the correction of scrivener's errors and providing for an effective date.

Whereas, the practice of commercial breeding facilities, not including medical research, sometimes referred to as “puppy mills” and “kitten factories” contribute to domestic animal overpopulation; and

Whereas, these facilities may house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water and socialization thereby allowing the spread of heritable and congenital disorders, infectious diseases and potentially causing environmental contamination all of which may present immediately after a sale or not until several years later; and

Whereas, the practices used by these mass-breeders may be cruel, inhumane, or at least considered unreasonable to most pet owners, and detrimental to the pets used for breeding; and

Whereas, the Humane Society of the United States estimates there are over 10,000 puppy mills in the United States selling approximately two million puppies annually; and

Whereas, an effective tool to eliminate the retail market for domestic dogs and cats bred through “puppy mills” and “kitten factories” is to require that pet shops utilize an adoption-based business model, which ensures that the animals sold by retail

outlets are sourced from shelters and animal rescue organizations thereby encouraging the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems; and

Whereas, this Ordinance does not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific animal rescue organization or a shelter, or from a reputable breeder where the consumer can directly observe and evaluate the conditions in which the dogs or cats are bred, or where the consumer can confer directly with the reputable local breeder concerning said conditions; and

Whereas, for these reasons the City Commission of the City of Sanford finds it reasonable and necessary to provide the following minimum standards governing the sale of cats and dogs to protect the health, safety and welfare of both animals and pet owners; that such regulation constitutes a legitimate purpose, and that such regulation will encourage pet consumers to adopt homeless dogs and cats from shelters and animal rescue organizations thereby saving animals lives and reducing the cost to the public of sheltering and euthanizing animals; and

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; and other applicable controlling law; and

Whereas, the City Commission of the City of Sanford has deemed approval of this Ordinance to be in the best interest of the residents and citizens of the City of Sanford and to further the public health, safety and welfare; and

Whereas, the City Commission of the City of Sanford has complied with all

procedural and substantive requirements of controlling law in enacting this Ordinance.

Now, therefore, Be it enacted by the People of the City of Sanford:

Section 1. Legislative Findings And Intent.

(a). The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission.

(b). The intent of this Ordinance is to prohibit the retail sale of commercially bred dogs and cats from “puppy mills” and “kitten factories.” These facilities often house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water and socialization, thereby causing or allow allowing heritable and congenital disorders; the spread of infectious diseases; and environmental contamination, any of which may be present immediately after a sale or not until several years later.

(c). The City Commission finds it reasonable and necessary to provide the following minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; that such regulation constitutes a legitimate purpose, and will encourage pet consumers to obtain dogs and cats from shelters and animal rescue organizations thereby saving animals lives and reducing the cost to the public of sheltering and euthanizing animals.

(d). It is the intent of the City Commission that this Ordinance will conform with and supplement Section 828.29, *Florida Statutes*,ⁱ as may be amended, relating to the sale of dogs and cats transported into the state for sale, health requirements, and consumer guarantee.

Section 2. Retail Sale Of Dogs And Cats In Public Places.

The following provisions are added to the *Code of Ordinances of the City of Sanford* as follows:

Definitions.

Animal Rescue Organization means 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 which does not breed animals; provided, however, that this term does not include an entity which obtains a dog or cat from a breeder or dealer for payment or compensation.

Animal services means a direct service provided to a dog or cat, including but not limited to, grooming, bathing, or boarding.

Animal shelter means the premises designated by the Board of County Commissioners of Seminole County for the purpose of impounding and caring for animals taken into custody for violation of, or pursuant to, the *County Code*.

Breeder means any person or entity that causes dogs or cats to reproduce, either willfully or through failure to exercise due care and control, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section; or to a pet owner who breeds his or her own pets and keeps all of the offspring.

Cat means an animal of any age that is a member of the *Felis Catus*, or any

genetic hybridization thereof, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Certificate of Source means a document from the source or Seminole County Animal Services Shelter, animal control agency, animal rescue organization, or hobby breeder declaring the source of origin of a dog or cat on the premises offered for retail sale, as defined in this Section. The document shall 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) shall be signed by the Pet Store certifying the accuracy of the certificate; and (4) shall be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

Commercial kennel means any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This is to include greyhound racing kennels. This term shall will not include animal hospitals or beauty parlors unconnected with boarding.

Dog means an animal of any age that is a member of the *Canis Lupus Familiaris*, or any genetic hybridization thereof, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Hobby breeder means 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 1 litter per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

Noncommercial kennel means any premises or structure used to house dogs or cats of a hobby breeder other than inside a person's home, and which is on the same

property where the hobby breeder resides.

Pet shop means 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. The Seminole County Animal Services Shelter or an animal rescue organization shall not be considered a pet shop under this Ordinance.

Retail sale means a sale, regardless of any exchange of consideration for the animal, or animal services, that takes place at the same time or same location; offer for sale; auction; barter; display for sale; adoption; re-home; exchange for compensation; or otherwise, give away; trade; deliver; lease; rent; include as part of a package deal; advertise for sale; or otherwise dispose of a dog or dogs or a cat or cats to a person in a pet shop or in association with a pet shop.

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 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 pets purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for sale.

(b). It is prohibited and unlawful for a pet shop to offer a dog or dogs or a cat or cats in City, unless each dog or cat was obtained from:

(1). An animal shelter; or

(2). An animal rescue organization,

(c). This adoption-based business model for the retail sale of dogs and cats in the City, as set forth in this Ordinance, shall apply to any pet shops opened, transferred, assigned, or sold by owners of existing pet shops after the effective date of this Ordinance.

(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 amended from time to time.

(e). Pet shops shall post and maintain a certificate of source on each dog's or 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 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 3 years following the date of acquisition or in accordance with the required retention 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 City or any County official charged with enforcing the provisions of this Ordinance.

(g). Any such records shall be made available by a pet shop immediately upon request by the City, to the City or any County official charged with enforcing the provisions of this Ordinance.

(h). All pet shops shall maintain all records required by this Ordinance in good order and accuracy without any falsification of records.

(i). It is prohibited and unlawful to violate the provisions of this Section which violation shall include, but not be limited, failure to adhere and timely perform any duty required in this Ordinance or to engage in any activity prohibited by this Ordinance.

Prohibition on Retail Sale in Public Places.

It is prohibited and unlawful to engage in the 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 or any other person. This prohibition shall not apply to the retail sale of dogs or cats by an Animal Shelter or Animal Rescue Organization.

Civil penalties.

(a). The provisions of this Ordinance shall be enforced and penalties may be imposed in accordance with the provisions of Section 1-7 of the *City Code* relating to a general penalty and recoupment of costs incurred by the City or by asserting any remedy available under controlling law.

(b). Each dog or cat produced, reared, bred, kept, sold, or released in violation of this Ordinance shall 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). The City Attorney, as agreed upon by the City Manager, may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this Ordinance.

(d). 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 found to be in violation will be required to correct or remedy such violations immediately.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance including, but not limited to, the promulgation and adoption of rules and forms.

Section 4. Savings; Effect Of Ordinance.

The prior actions of the City of Sanford in terms of the matters relating to animal control and regulation activities including, but not limited to dogs and cats, as well as any and all actions and activities of the City pertaining thereto or of an associated nature, are hereby ratified and affirmed.

Section 5. Codification; Scrivener's Errors.

(a). Sections 2 of this Ordinance shall be codified and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon enactment.

Passed and adopted this ___ day of _____, 2018.

Attest:

**City Commission of the City of
Sanford, Florida, Seminole County,
Florida.**

Traci Houchin, City Clerk

Jeff Triplett, Mayor

Approved as to form and
Legality:

William L. Colbert, Esquire
City Attorney

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.—

(1)(a) For each dog transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each dog transported into the state for

sale.

(b) For each dog offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Canine distemper.
2. Leptospirosis.
3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).
4. Parainfluenza.
5. Hepatitis.
6. Canine parvo.
7. Rabies, provided the dog is over 3 months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the dog is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

(2)(a) For each cat transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the cat's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each cat transported into the state for sale.

(b) For each cat offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over 3 months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.

If the cat is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the cat is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

(3)(a) Each dog or cat subject to subsection (1) or subsection (2) must be accompanied by a current official certificate of veterinary inspection at all times while being offered for sale within the state. The

examining veterinarian must retain one copy of the official certificate of veterinary inspection on file for at least 1 year after the date of examination. At the time of sale of the animal, one copy of the official certificate of veterinary inspection must be given to the buyer. The seller must retain one copy of the official certificate of veterinary inspection on record for at least 1 year after the date of sale.

(b) The term "official certificate of veterinary inspection" means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The Department of Agriculture and Consumer Services shall supply the official intrastate certificate of veterinary inspection required by this section at cost.

(c) The examination of each dog and cat by a veterinarian must take place no more than 30 days before the sale within the state. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. Each dog over 6 months of age must also be tested for heartworms. Each cat must also be tested for feline leukemia before being offered for sale in the state. All of these tests must be performed by or under the supervision of a licensed veterinarian, and the results of the tests must be listed on the official certificate of veterinary inspection.

(d) All dogs and cats offered for sale and copies of certificates held by the seller and veterinarian are subject to inspection by any agent of the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under s. 828.03.

(4) A person may not transport into the state for sale or offer for sale within the state any dog or cat that is less than 8 weeks of age.

(5) If, within 14 days following the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies that, at the time of the sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or if, within 1 year following the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or if, within 1 year following the sale of an animal subject to this section, the breed, sex, or health of such animal is found to have been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering;

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

(c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the

certification by the veterinarian.

(6) A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit.

(7) A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

(8) The refund or exchange required by subsection (5) or subsection (6) shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as required in subsection (5) or subsection (6). The consumer must notify the pet dealer within 2 business days after the veterinarian's determination that the animal is unfit. The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.

(9) An animal may not be determined unfit for sale on account of an injury sustained or illness contracted after the consumer takes possession of the animal. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the animal is clinically ill because of that condition.

(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) or subsection (6) within 10 business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

(11) This section does not in any way limit the rights or remedies that are otherwise available to a consumer under any other law.

(12) Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a written notice, printed or typed, which reads as follows:

It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.

(13) For the purposes of subsections (5)-(12) and (16), the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 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.

(14) The state attorney may bring an action to enjoin any violator of this section or s. 828.12 or s. 828.13 from being a pet dealer.

(15) County-operated or city-operated animal control agencies and registered nonprofit humane organizations are exempt from this section.

(16) A pet dealer may not knowingly misrepresent the breed, sex, or health of any dog or cat offered for sale within the state.

(17) Except as otherwise provided in this chapter, a person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.