

ORDINANCE NO. 2015-1430

**AN ORDINANCE OF THE CITY OF CASSELBERRY,
FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF
ORDINANCES BY CREATING A NEW SECTION 18-2,
ENTITLED “RETAIL SALE OF DOGS AND CATS;”
PROVIDING FOR CONFLICTS; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories,” that mass-produce animals for sale to the public, many of which are sold at retail in pet stores; and

WHEREAS, because of the lack of proper animal husbandry practices at those facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,”

WHEREAS, the most effective way to stop puppy, and kitten mills is to discourage the purchase or sale of puppies and kittens produced at these inhumane facilities; and

WHEREAS, the City Commission believes that restricting the retail sale of dogs and cats in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City; and

WHEREAS, the City Commission believes that restricting retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animal’s lives and reducing the cost to the public of sheltering animals, and be in the best interests of the citizens of Casselberry.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE
CITY OF CASSELBERRY, FLORIDA, AS FOLLOWS:**

SECTION I. Chapter 18, Animals, of the Code of Ordinances of the City of Casselberry, Florida, is amended to create section 18-2, “Retail Sale of Dogs and Cats,” as follows:

18-2. Retail Sale of Dogs and Cats.

(1) Definitions. For purposes of this section, the following definitions shall apply:

- a. “Animal rescue organization” means a duly incorporated nonprofit organization devoted to the rescue, care or adoption of stray, abandoned or surrendered animals and which does not breed 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.**
- b. “Animal Shelter” means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care or adoption of stray, abandoned or surrendered animals, and which does not breed animals.
- c. “Cat” means an animal of the Felidae family of the order Carnivora.
- d. “Certificate of source” means a document declaring the source of origin of the dog or cat sold or transferred or offered for sale or transfer. A certificate of source shall include the name and address of the original source of the dog or cat and license information if the original source breeder is licensed by the United States Department of Agriculture and shall be signed by both the pet store certifying the accuracy of the certificate and by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate.
- e. “Dog” means an animal of the Canidae family of the Carnivora order.
- f. “Pet store” means any retail establishment 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.
- g. “Pet store operator” means a person who owns or operates a pet store.

(2) Sale or transfer of dogs or cats.

No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City of Casselberry on or after the effective date of this Ordinance unless the pet store is exempted under Section 3.

(3) Exemptions. This section does not apply to:

- a. A person or pet store that sells, delivers, offers for sale, trades, barter, leases, rents, auctions, gives away or otherwise transfers or disposes of dogs or cats that

were bred and reared on property owned by and zoned for the person or pet store, which is not retail in nature

- b. An animal shelter;
 - c. An animal rescue organization; or
 - d. An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.
- (4) Certificate of Source.
A pet store shall post and maintain, on or within three (3) feet of each dog's or cat's kennel, cage or enclosure, a certificate of source of each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred.

- (5) Violations – Enforcement.
- a. Any person who violates this section shall be subject to the penalties set forth in 1-13 of this Code of Ordinances.
 - b. Additionally, the City may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.
 - c. In addition to any other penalty, a pet store owner who is found to have falsified a certificate of source shall **pay \$250.00 per day per dog and/or cat for a violation. The City of Casselberry Code Enforcement shall enforce the provisions set forth within this section.**

SECTION II. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION III. CODIFICATION. It is the intention of the City Commission of the City of Casselberry, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Casselberry, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION IV. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION V. EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after its passage and adoption.

FIRST READING this ____ day of _____, A.D. 2015.

SECOND READING AND ADOPTION this ____ day of _____, A.D. 2015.

ATTEST:

Donna G. Gardner, City Clerk

Charlene Glancy
Mayor/Commissioner