

ORDINANCE 20-71

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CH. 92, ANIMALS TO AMEND SEC. 92.01, DEFINITIONS, AND TO ADD SEC. 92.20, RETAIL SALE OF DOGS, CATS AND RABBITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 92, Animals, of the City of Port St. Lucie (“City”) Code of Ordinances (“Code”) provides for the regulation and control of animals in the City;

WHEREAS, “pet mills” are facilities that often house multiple breeds of animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization;

WHEREAS, pet mills often sell the animals 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;

WHEREAS, due to the conditions in pet mills, animals 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;

WHEREAS, City residents who purchase dogs, cats, or rabbits from retail stores which obtain the animals directly from or via brokers from pet mills 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;

WHEREAS, the City Council finds that it is reasonable and necessary to establish minimum standards governing the sale of dogs, cats and rabbits within the City to protect the health, safety, and welfare of these animals and pet owners; and

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

ORDINANCE 20-71

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Section 92.01, Definitions, of Chapter 92, Animals, is hereby amended by adding the following definitions:

Sec. 92.01. - Definitions.

Animal rescue organization. A nonprofit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, devoted to the welfare, protection, rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

Breeder. Any person and/or entity that sells, transfers, or gives away all or part of a litter of dogs or cats that were bred and reared on the premises of the person and/or entity.

Pet shop. Any retail or commercial establishment, whether person and/or entity, open to the public that sells or transfers, or offers for sale or transfer, dogs, cats and/or rabbits regardless of the age of the dog, cat or rabbit, including such establishments which also sell grooming services and/or domestic pet supplies and accessories (including but not limited to food, bedding, toys, grooming products, collars leashes and the like). Such an establishment may be permanent, temporary, or virtual. Breeders, animal rescue organizations and animal shelters shall not be considered a pet shop under this chapter.

Retail sale. A sale, regardless of any exchange of consideration for the animal or animal services that takes place at the same time or same location. This term also includes any combination of the following: 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 dogs or cats to a person in a pet shop or in association with a pet shop.

Section 3. Section 92.01, “Definitions” of Chapter 92, “Animals” is hereby amended by revising the following definition:

Animal shelter. Any premises approved by the Animal Control Division for the purpose of impounding and caring for all animals found in violation of this chapter. Any public or private organization existing for the purpose of rescuing and sheltering stray, abandoned, or surrendered

ORDINANCE 20-71

animals or a person who rescues and shelters stray, abandoned, or surrendered animals, either of which places animals for adoption, whether for a fee, a donation, or for free, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

Section 4. Chapter 92, Animals, Article I, General Provisions, sections 92.20 to 92.24 are amended as follows:

Sec. 92.20. - Retail sale of dogs, cats and rabbits.

- (a) An adoption-based business model shall be required for the retail sale of dogs, cats, or rabbits at a pet shop whereby all dogs, cats, or rabbits will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. Dogs or cats purchased directly from a breeder, or indirectly through some other intermediary such as a broker or wholesaler, may not be offered for sale by a pet shop.
- (b) Pet shops shall not offer for retail sale any dog, cat, or rabbit unless the pet shop certifies that the dog, cat, or rabbit comes from one of the following sources:
- (1) An animal shelter; or
 - (2) An animal rescue organization.
- (c) An official certificate of veterinary inspection must accompany the sale of any dog or cat, in compliance with Section 828.29(3), Florida Statutes.
- (d) A pet shop that obtains dogs, cats, or rabbits from a permitted source as set forth herein shall post conspicuously on the cage of each dog, cat, and rabbit a certificate of source and provide a copy of the certificate of source to the purchaser or transferee of the animal who shall sign the certificate of source. The pet shop shall retain a copy of the certificate of source signed by the purchaser or transferee for at least 1 year after the date of sale. The certificate of source shall contain the following information:
- (1) The name and address of the source from which the dog, cat, or rabbit was obtained and date thereof;
 - (2) A description of the dog, cat, or rabbit including species, breed, sex, color, distinctive markings, physical condition and health, and, if known, age; and
 - (3) For each dog, cat, or rabbit receiving medical care while in the custody or control of the pet shop, the type of service rendered, date, and the veterinarian's name and contact information.

ORDINANCE 20-71

(e) Any person(s) and/or entity(s) which owns and/or operates a pet shop that is found to be in violation of any of the provisions of this section may be subject to any applicable enforcement mechanism available to the city. It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained in this section.

(1) Each animal produced, reared, bred, kept, sold, or released in violation of this section will be deemed a separate offense.

(2) A separate offense will be deemed committed on each day during which a violation occurs or continues.

(3) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. Any person(s) or entity(s) that owns or operates a pet shop that is found to be in violation of this section will be required to correct or remedy such violation immediately.

(4) The city may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.

(5) Nothing precludes this section from being enforced in any other way in accordance with the law.

Secs. 92.201—92.24. - Reserved.

Section 5. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 8. Effective Date. This Ordinance shall become effective immediately after final adoption on second reading.

ORDINANCE 20-71

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this
_____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney