

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES ENTITLED "ANIMALS" BY CREATING ARTICLE VI, ENTITLED "RESTRICTIONS ON RETAIL PET SALES AND PET MILLS" BY CREATING SECTIONS 10-254, "DEFINITIONS"; SECTION 10-255, "PROHIBITIONS"; SECTION 10-256 "EXEMPTIONS"; SECTION 10-257 "CERTIFICATE OF SOURCE"; SECTION 10-258 "PENALTY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that the humane treatment of animals is a vital public purpose; and

WHEREAS, the City Commission for the City of Key West finds that what are referred to as "pet mills" are inhumane and unsanitary commercial breeding facilities for animals in which the health of animals is disregarded in order to maintain a low overhead and maximize profits; and

WHEREAS, the City Commission for the City of Key West finds that because of the lack of proper animal husbandry practices at these pet mills, animals born and raised there are more likely to have genetic disorders and lack adequate socialization. Further breeding animals that are utilized there for that purpose are often subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, the City Commission for the City of Key West adopts the report of the Humane Society of the United States wherein it was found that American consumers purchase animals from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present themselves immediately after sale or do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

WHEREAS, the City Commission for the City of Key West finds that prohibiting the retail sale of dogs, cats, rabbits, ferrets and guinea pigs in pet stores within the city will promote community awareness of animal welfare and, in turn, will foster a more humane environment as well as encourage pet consumers to adopt said pets from shelters, thereby saving the lives of many animals and reducing the cost to the public of sheltering animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST
FLORIDA:

Section 1: That section 10-254 is hereby added to the Code of Ordinances as follows*:

Sec. 10-254. - Definitions.

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

Animal rescue organization means humane society or other duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals and which does not breed animals.

Animal shelter means a municipal or related public animal shelter or duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals, and which does not breed animals.

Cat means an animal of any age of the Felidae family of the order Carnivora.

*(Coding: Added language is underlined; deleted language is struck through at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Certificate of source means a document from the source or county animal shelter or animal control agency, humane society, non-profit rescue organization or hobby breeder declaring the source of origin of a pet on the premises to be sold or transferred or offered for sale or transfer. A certificate of source shall include at a minimum: (a) a brief description of the pet (dog, cat, rabbit, ferret, or guinea pig), the name, address, telephone number, and e-mail address of the source of the pet; (b) shall be signed by the pet store certifying the accuracy of the certificate; and (c) shall be signed by the purchaser or transferee of the pet acknowledging receipt of the certificate of source.

Dog means an animal of any age of the Canidae family of the Carnivora.

Ferret means an animal of any age with the scientific name of Mustela Putorius Furo.

Guinea Pig means an animal of any age with the scientific name of Cavia Porcellus.

Hobby breeder means any person or entity that causes or allows the breeding or studing of a pet, as defined herein, resulting in no more than a total of one (1) litter per calendar

year whether or not the animals in such litter are offered for sale or other transfer.

Owner means and includes any person feeding, owning, harboring or keeping any animal within the territorial limits of the City.

Pet means a dog, cat, rabbit, ferret, or guinea pig.

Pet mill means a facility where pets are bred for the purpose of selling them and where any two (2) of the following conditions are found to exist:

(1) More than twenty (20) dogs under the age of twelve (12) weeks or more than twenty (20) cats under the age of sixteen (16) weeks are kept at a single time;

(2) No genetic or heredity health testing appropriate for the breed of pet is conducted;

(3) No long-term [over one (1) year] guarantees are honored;

(4) A single female pet is bred every cycle;

(5) A single female pet is bred more than twice in one calendar year;

(6) There are no records of the pets' parents;

(7) More than eight pets are kept in a single cage or kennel area.

Pet store means any retail establishment open to the public that sells or transfers, or offers for sale or transfer, pets, regardless of the age of the pet.

Pet store operator means a person who owns or operates a pet store.

Rabbit means an animal of any age with the scientific name of Oryctolagus Cuniculus

Section 2: That section 10-255 is hereby added to the Code of Ordinances as follows:

Sec. 10-255. - Prohibitions

(a) Sale or transfer of pets. No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of pets on or after the effective date of this section unless the pet store is exempt under 10-256.

(b) Pet Mills. No pet mills shall be permitted to operate in the City of Key West.

Section 3: That section 10-256 is hereby added to the Code of Ordinances as follows:

Sec. 10-256. - Exemptions

The prohibitions contained in Sec. 10-255 shall not apply to:

~~(a) Pet stores that (i) obtain their pets from a hobby breeder as defined above or who breed their own pets and (ii) comply with Sec. 10-257 Certificate of Source.~~

~~(b)~~ (a) An animal shelter.

~~(c)~~ (b) An animal rescue organization.

~~(d)~~ (c) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.

~~(e)~~ (d) Pet stores that possess an active City of Key West local business tax receipt on the effective date of this ordinance shall have thirty (30) days therefrom to comply with the certificate of source in Sec 10-257.

~~(f)~~ (e) A hobby breeder as defined above.

Section 4: That section 10-257 is hereby added to the Code of Ordinances as follows:

Sec. 10-257.- Certificate of Source

A pet store that obtains pets from a permitted source shall post conspicuously on the cage of each pet a signed certificate of source which shall specify at minimum:

(a) A description of the pet including species breed, sex, color, and distinctive markings, physical condition and health, and age (if known); and

(b) The name and address of the source from which the pet was obtained and date thereof;

(c) For each pet 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) A copy of the certificate of source shall be signed by and provided to the purchaser or transferee of any pet at the time of sale;

Section 5: That section 10-258 is hereby added to the Code of Ordinances as follows:

Sec. 10-258.- Penalty

Violations of Sec. 10-255 and 10-257 shall be punishable by Sec. 1-15 of the Code of Ordinances.

Section 6: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 7: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 8: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2016.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2016.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Sam Kaufman	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK