LEON COUNTY ORDINANCE NO.

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| 1 | LEON COUNTY ORDINANCE NO. |
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| 3 | AN ORDINANCE OF THE BOARD OF COUNTY |
| 4 | COMMISSIONERS OF LEON COUNTY, FLORIDA, |
| 5 | AMENDING ARTICLE II OF CHAPTER 4 OF THE CODE OF |
| 6 | LAWS OF LEON COUNTY, FLORIDA REGARDING ANIMAL |
| 7 | CONTROL; AMENDING SECTION 4-26 "DEFINITIONS"; |
| 8 | AMENDING SECTION 4-47 "DOGS AND CATS OFFERED FOR |
| 9 | SALE, HEALTH REQUIREMENTS"; PROVIDING FOR |
| 10 | CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING |
| 11 | FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE |
| 12 | DATE. |
| 13 | |
| 14 | |
| 15 | RECITALS |
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| 17 | WHEREAS, Article VIII, Section 1(g) of the Florida Constitution provides Leon County with |
| 18 | all powers of local self-government not inconsistent with general law, or with special law approved by |
| 10 19 | vote of the electors; and |
| 20 | vote of the electors, and |
| 20 21 | WHEREAS, Section 828.27, Florida Statutes, authorizes a governing body of a county to enact |
| 21 | ordinances related to animal control or cruelty; and |
| 22 | ordinances related to animal control of crucity, and |
| 23 24 | WHEREAS, the Board of County Commissioners finds that it is reasonable and necessary to |
| 24 25 | establish minimum standards governing the sale of dogs, cats, and rabbits in the unincorporated areas |
| 23 26 | of Leon County to protect the health, safety, and welfare of both animals and pet owners; and |
| 20 27 | of Leon County to protect the health, safety, and wenare of both annuals and pet owners, and |
| 27 | WHEREAS, the Board of County Commissioners desires to enact an ordinance amending |
| 28 29 | Article II of Chapter 4, the Leon County Code of Laws, relating to the retail sale of dogs, cats, and |
| 30 | rabbits within the unincorporated areas of Leon County. |
| 31 | rabbits within the unincorporated areas of Leon County. |
| 32 | NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY |
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| 33 | COMMISSIONERS OF LEON COUNTY, FLORIDA, that: |
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| 35 | Section 1. Amendments to Code. |
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| 37 | (A). Section 4-26 of the Code of Laws of Leon County, Florida, is hereby amended to add the |
| 38 | following definitions: |
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| 40 | Section 4-26. Definitions. |
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| 42 | The following words, terms and phrases, when used in this article, shall have the meanings ascribed to |
| 43 | them in this section, except where the context clearly indicates a different meaning: |
| 43 44 | them in this section, except where the context clearly indicates a different incaring. |
| | Animal Passue Organization moons a non-profit organization incompeted under the law of any state |
| 45 | <u>Animal Rescue Organization means a non-profit organization incorporated under the law of any state</u> |
| 46 | and exempt from federal taxation under section 501C(3) of the federal internal revenue Code, as |
| 47 | amended, and whose principal purpose is the prevention of cruelty to animals and whose principal |
| 48 | activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced |

| 1 | animals and to place for adoption. "Animal rescue organization" does not include any entity that breeds | | | |
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| 2 | animals or that (1) is located on the same premises as an entity that breeds animals: (2) has any | | | |
| 3 | personnel in common with an entity that breeds animals: (3) obtains, in exchange for payment or any | | | |
| 4 | other form of compensation, dogs or cats from an entity that breeds animals: or (4) facilitates the sale | | | |
| 5 | of dogs or cats obtained from a person that breeds animals. | | | |
| 6 | | | | |
| 7 | Animal Shelter. means any facility designated by the county for the purpose of housing and caring for | | | |
| 8 | animals held under the authority of this article or state law means a facility, whether located in or | | | |
| 9 | | outside the state of Florida. That is operated by or under contract with a county or other municipal | | |
| 10 | government for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, | | | |
| 11 | or surrendered animals. | | | |
| 12 | | | | |
| 13 | Retail pet store means a commercial establishment that sells or offers for sale animals on its premises | | | |
| 14 | <u>at retail</u> | | | |
| 15 | ~ ~ ~ | | | |
| 16 | Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, | | | |
| 17 | auction, trade, lease, or otherwise transfer. | | | |
| 18 | | | | |
| 19 | | | | |
| 20 | follows | (B). Section 4-47 of the Code of Laws of Leon County, Florida, is hereby amended to read as | | |
| 21 | TOHOWS | 5. | | |
| 22 23 | Sec. 1 | 47 "Sale of Dogs, Cats, and Rabbits offered for Sale; Health Requirements." | | |
| 23 24 | SEC. 4- | 47 <u>Sale of</u> Dogs, Cats, <u>and Kabbits</u> offered for Sale , freath Requirements. | | |
| 24 | (a) | It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without | | |
| 26 | (a) | first obtaining an official certificate of veterinary inspection pursuant to F.S. § 828.29. Dogs, | | |
| 27 | | cats, puppies or kittens offered for sale must be at least eight weeks old, free of internal and | | |
| 28 | | external parasites, and have proper vaccines and anthelmintics pursuant to F.S. § 828.29, as | | |
| 29 | | may be amended from time to time. | | |
| 30 | | | | |
| 31 | (b) | The official certificate of veterinary inspection shall document that all inoculations, tests and | | |
| 32 | | treatments required by F.S. § 828.29 have been administered. Appropriate treatment for all | | |
| 33 | | positive findings must be documented. | | |
| 34 | | | | |
| 35 | (c) | The veterinarian shall date the official certificate of veterinary inspection upon the actual | | |
| 36 | | examination and administration of the inoculations and/or treatments. The sale of all dogs and | | |
| 37 | | cats must take place no more than 30 days after the official certificate of veterinary inspection | | |
| 38 | | has been issued. If a dog or cat is not sold within 30 days of the issuance of the official | | |
| 39 | | certificate of veterinary inspection, then a new examination and inspection certificate must be | | |
| 40 | | obtained. | | |
| 41 | | | | |
| 42 | (d) | No person shall display, give away, or offer for sale any live animal on private property | | |
| 43 | | without consent of the owner. | | |
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- (e) No person shall display, give away, or offer for sale any living animal on public land, rights of-way, or easements except in areas that have been authorized and permitted by the county
 for such use.
 - (f) The division of animal control, <u>animal rescue organizations and animal shelters</u> city operated animal control agencies and registered nonprofit humane organizations shall be exempt from the provisions of this section. However, <u>animal rescue organizations</u> registered nonprofit humane organizations may be required to provide health records upon request.
- Retail Sale of Dogs, Cats, and Rabbits Prohibited: (g) (1) It shall be a violation of this Section for a retail pet store, as defined in Section 4-26, to sell or offer for sale a dog, cat, or rabbit. (2) Exemptions – This section does not apply to: a. A person that sells or offers to sell only those animals that the person bred and raised on their premises. b. An Animal Shelter as defined in Section 4-26. c. An Animal Rescue Organization as defined in Section 4-26. d. An Animal Shelter or Animal Rescue Organization that operates out of or in connection with a pet store. e. A veterinary hospital operated by a licensed veterinarian who is providing temporary treatment and care for a stray or unwanted dog, cat, or rabbit. (3) Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in section 4-26, to publicly showcase dogs, cats, or rabbits available for adoption; provided that the host pet store shall not have an ownership interest in any animal offered for adoption, nor shall such store receive a fee for providing such space. (4) Penalties:

<u>a. A retail pet store that sells or offers for sale a dog, cat, or rabbit in violation</u> of subsection 1 shall be fined by a sum of \$500. Each sale or offer for sale in violation of subsection 1 shall constitute a separate offense.

b. A retail pet store that provides space in violation of subsection (3) of this section shall be fined by a sum of \$500. Each provision of space in violation of subsection (3) shall constitute a separate offense.

1 Section 2. Conflicts.

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All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

8 <u>Section 3. Severability.</u>

9 If any word, phrase, clause, section, or portion of this ordinance is declared by any court of
 11 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
 12 portions of this ordinance shall remain in full force and effect.

13 14 Section 4. Applicability. 15 16 This ordinance shall apply to and be effective in the unincorporated area of Leon County. 17 18 Section 5. Effective Date. 19 20 This ordinance shall take effect February 1, 2025. 21 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 10th day of December, 2024. 22 23 24 LEON COUNTY, FLORIDA 25 26 27 By:__ Brian Welch, Chair 28 **Board of County Commissioners** 29 30 ATTESTED BY: 31 32 Gwendolyn Marshall Knight, Clerk of Court & Comptroller, Leon County, Florida 33 34 35 By:_____ 36 37 38 39 APPROVED AS TO FORM: 40 Chasity H. O'Steen, County Attorney Leon County Attorney's Office 41 42 43 44 By:_____