

ORDINANCE 21- 30

AN ORDINANCE OF THE COUNTY OF PINELLAS DECLARING A ONE-YEAR MORATORIUM FOR INCORPORATED AS WELL AS UNINCORPORATED PORTIONS OF PINELLAS COUNTY ON THE PERMITTING OF PET DEALERSHIPS, AS DEFINED IN PINELLAS COUNTY CODE CHAPTER 14; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE.

WHEREAS, ensuring the humane treatment of animals is an important public purpose;
and

WHEREAS, the Animal Welfare Act (“AWA”), 7 U.S.C. §§2131-2159, establishes federal standards for the humane care and treatment of certain animals sold at wholesale or through a broker, publicly exhibited, used in biomedical research, or transported commercially; and

WHEREAS, the U.S. Department of Agriculture (“USDA”), Animal and Plant Health Inspection Service (“APHIS”) has an Animal Care program, which is responsible for implementing and enforcing animal welfare regulations pursuant to the AWA; and

WHEREAS, the AWA regulates the activities of dog breeders, unless the breeder qualifies as a “hobby breeder,” and requires non-exempt breeders and brokers to maintain a license with the USDA, which requires that they agree to follow specific standards for the care of animals; and

WHEREAS, the AWA expressly provides that a state or a political subdivision of a state may promulgate standards regarding the handling, care, treatment and transportation of animals, if those standards are more restrictive than the standards promulgated by the USDA; and

WHEREAS, some commercial animal breeders operate unsanitary and inhumane breeding facilities for dogs in which the health of the dogs is disregarded; and

WHEREAS, some retail pet sales establishments purchase animals from commercial breeders that operate unsanitary and inhumane breeding facilities; and

WHEREAS, for these reasons jurisdictions neighboring Pinellas County have in recent years adopted regulations and prohibitions applicable to the retail sale of pets, most recently in Manatee County; and

WHEREAS, other counties have experienced an increase in the opening of or permitting requests for new pet sale establishments in response to a neighboring jurisdiction passing a pet sale regulation; and

WHEREAS, the Board of County Commissioners of Pinellas County intends to examine options appropriate to Pinellas County to regulate retail pet sales within the County; and

WHEREAS, while examining this issue the Board finds that it is in the best interest of the County, and the life, health, safety, and welfare of residents, animals, and potentially impacted businesses, to avoid the potential expansion of pet sale establishments that has been observed in other jurisdictions; and

WHEREAS, for this reason the Board finds that it is appropriate to institute a one-year moratorium on the permitting of additional or expanded pet sale activities within Pinellas County; and

WHEREAS, the one-year time period for the moratorium is needed to prevent the increase of potentially unhealthy or inhumanely bred animals while the Board considers policy options related to pet sales within the County;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA that:

SECTION 1.

1. The Board finds that for the reasons recited above, there is a need to declare a moratorium on the expansion of commercial locations engaging in the retail sale of dogs or cats. The moratorium will go into effect on the effective date of this Ordinance and will continue in effect for a period of one year. During the moratorium period the County will not approve any permits for new Pet Dealerships within the County and will not approve any revisions to existing permits that would change or increase the permitted locations for pet sales. Any existing commercial pet store that is lawfully operating on or before the effective date of this moratorium is permitted to continue the retail sale of dogs or cats. As a condition of continued operation during the moratorium period, a commercial pet store is prohibited from increasing or enlarging the square-footage dedicated to the retail sale of dogs or cats and is prohibited from opening any new locations within Pinellas County.

2. Applications for Pet Dealerships received by County Staff prior to the moratorium takes effect may be processed under the current County regulations and practices.

3. County Staff will begin fact-finding related to potential regulations to ensure that pet sales in Pinellas County are well structured to ensure transparency, adherence to humane practices, and protection of consumers.

4. The moratorium may be shortened prior to the end of the one-year period with the adoption of regulations pertaining to the sale of pets in Pinellas County.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this

Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 4. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

SECTION 5. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

APPROVED AS TO FORM

By: Miles Belknap
Office of the County Attorney