

Carolyn Schmidt

Subject: FW: Ordinance recommendations
Attachments: Ordinance recomendations for Martin County Retail Stores and Rescues Housing Live Animals (1).docx

From: George Stokus <gstokus@martin.fl.us>
Sent: Monday, November 14, 2022 1:02 PM
To: Carolyn Schmidt <carolyns@martin.fl.us>
Subject: FW: Ordinance recommendations

Please pass the attachment forward to our ACCOB members electronically, and then print hard copies for their binders and my binder for the meeting.

Respectfully,

George M. Stokus
Assistant County Administrator

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Stuart, FL 34996

From: Gary Rosenberg <grosenberglaw@gmail.com>
Sent: Monday, November 14, 2022 11:59 AM
To: Sarah Woods <swoods@martin.fl.us>
Cc: George Stokus <gstokus@martin.fl.us>
Subject: Ordinance recommendations

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See attached

I have waited for over 2 weeks for a response from the commission concerning an extension of at least 60 days to continue these discussions.

Since I have not heard from either of you I will assume that there is no interest in resolving this matter concerning my client and her business.

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Gary I. Rosenberg, Esq.
1555 North Park Drive
Suite 103

Pet Stores, Rescues, Breeders, or any persons or entity maintaining, selling/adopting live animals to the public, or for any similar , keeping live animals on their property, live animal include canines, felines and/or rabbits, should be monitored, inspected and must maintain a license to operate for that purpose, in every county or jurisdiction, where they are located. Animal Care & Control, itself, should operate under their own set of standards, and must be inspected annually, by a non-related party who will conduct their annual inspection, as well. Anyone dealing with live animals, canine, feline or rabbits, for any purpose, should have a oversight and governing body who can be relied upon to observe, inspect, oversee and who can also assist in dealing with any problematic issues, and can keep animals safe and well, according to well accepted and pre-determined standards.

Animal Care & Control is, already, in most all jurisdictions, in place, and expected to be the watchful eye for our communities, in animal related issues. In order to assure animals are dealt with appropriately, humanely, safely, and that the entity housing, rescuing or selling them, meets all the standards, ACC should be the organization that observes, inspects, and takes the role of holding every animal entity, in compliance with the highest standards.

The license that such entities must apply for, must be approved under, and continue to be monitored for compliance, in keeping with a set of appropriate standards is integral for our community. These standards should not be subjective, and should be identified beforehand, and prepared by experts in the field, or a “round table of experts in the field”, in and for each appropriate animal species, for the entities that are applying to be licensed. Applicants must pay for the license and its annual renewal, and all associated issues and/ or inspections of compliance.

The cost of such a license and related inspections for the licensee, should cover the expense of such monitoring and re-licensing, done by the regulatory body. This is how most licenses that are required to perform a certain responsibility by a local governance is paid for, such as hunting, fishing, driving, etc.

Recommendation for the Local Ordinance **for the Retail Sale or Rescue** **of Puppies, Cats, Rabbits**

1. Animal Care & Control shall inspect the physical facility , such a facility shall have appropriate animal species-specific kennels, an appropriate isolation space, separate “sick room” and all aspects of the facility shall be inspected at least twice (2x) per year. One visit/inspection in between licensing renewals shall be a “surprise” inspection, and the Annual Inspection shall be planned inspection for re-certification and annual licensure. This final inspection shall take place no closer to re-licensure date, than 4 weeks, and allowing any remediation necessary a minimum of two weeks for repair/to come into compliance. The scheduled inspections shall take place after 11am of the scheduled visit day. The unscheduled visit can occur at any time of day, however, if first thing, prior to 11am in the morning, AC&C Inspection must take into

personnel. Release of such information, and non-protection of such information will be actionable by the stores in the Judicial system, as an illegal release of protected business information. The Stores will, however, only work with USDA licensed breeders, who do not have any citations of substance, in the preceding 3-year period.

6. A master “grading” list for the “standards” of the facilities will be approved, ahead of it being implemented, and upon the approval of the plan, and can be revised annually, or as often as practical use or necessary revision dictates, if needed. (Proposed standard master list suggested is attached)
7. The store must receive a passing grade each year, or any interim inspections, any failing grade should result in a citation being issued. Store must remedy any item of a grade that is failed, within 5 days of the report being issued. If the failure is not remediated within 5 days of the Report being issued and the Store being cited, the store will be ordered to immediately close for business, and remove all live animals within, until such time as the remediation of the infraction has been completed and re-inspection passed. There will be a penalty and additional charges to the store, in addition to the citation cost, to cover the cost to the County for AC&C additional inspections and/or administrative cost. Any store licensed under this ordinance must agree to this process in writing, in order to be granted and to maintain their retail license. There should be some type of Appeal process that the stores can turn to, in the event they feel the citation, or inspection, has been somehow unfairly measured, or has been issued an unfairly biased result.
8. Each retail store that sells live animals (dogs, cats, rabbits) must participate to a certain percentage in the re-homing or rescuing of homeless animals of the same species it sells, during each fiscal year. i.e. If the store sells 50 puppies, 1% of that number should be assisted in rescue (for every 50 canines sold in that time frame, one canine in local area must be re-homed, adopted for charitable purposes, assist ACC or local rescue with that charitable adoption, or, if unable to Rescue directly or to assist a local non-profit with an adoption, the store must donate the equivalent to the adoption price of a rescued animal to Animal Care & Control, or a not-for-profit Rescue of their choice, within the same regional area – City of Stuart or Martin County) in order to support Rescue efforts within the region of their doing business. It will be preferred that such local non-profits or ACC cooperates with the stores and allow each store to represent one of their rescued animals in the store. Each store must maintain complete records of any adoptions of Rescued Animals they participate in during a calendar year, and submit copies of such adoptions during their annual re-licensure.
9. The Stores will make every effort to work with Breeders that have earned the Certificate of Canine Care in Breeding Programs from Purdue University, or a similar program that is supported through a university or Medical program, or a program that has substantial life-quality programs included for the parents of the puppies they breed. The County will give each store a period of three- years (3) prior to making this requirement of breeders

16 b. Very small animals (Under 2.5 lbs) must have a solid place on which to get up on in the night-time crates, to assure their tiny feet are not slipping through the grates, and that they can get on their "solid footing place" and go back to the grate to urinate or defecate if/when they need to, and then go back on where they have solid footing, if they are more comfortable. The best way to achieve this is to have either small beds, blanket or waterproof pad in their grated enclosure, which they can get on and off of in a corner of the nighttime crate.

16 c. All night-time cage water containers must be adhered to the door or side of the night crate, or in some way attached to the enclosure. Water cannot be provided only in a free-standing bowl, a water bowl which is easily spilled in the beginning of the night, thus leaving the animal wet and thirsty all night.

16 d. Stores will make every attempt, so long as it is not contraindicated, to keep Litter mates that come together from the same Breeder, kept together, at least in the night-time cages.

16 e. Other than their time in ISO/Quarantine, each and every animal in the store shall be given the opportunity to spend a minimum of 15 minutes per week outdoors - on grass, or walked on a lead, etc., so that no animal is indoors for any period of time longer than one week, after ISO/Quarantine completion, without having been able to be outside in the sunshine.

16 f. Each animal must be microchipped prior to sale, and such chip number noted on all paperwork;

16 g. A Florida Licensed Veterinarian will physically be in the store no less often than once a week; a log shall be maintained and available for review during inspection, of the date and times of the Veterinarian's presence, and the purpose of their visit; and which animals were examined.

16 h. It is the recommendation that all animals sold from the store should be taken home by their new families in a closed containment enclosure, a crate, or carrying case, etc., and secure for the drive home, not on taken home on a lead alone, thus riding on the lap of the driver; however, if the driver has another person in the car, a lead and lap will be acceptable for the non-driver, however, best if the animal travels home in a closed travel crate or similar safety device, a box will do if nothing else is available. However, if a sole senior citizen, over the age of 65, is alone at the time of purchase, and driving, the pet purchased **must be safely contained for the drive home and not on the lap of the single driver**- this is unsafe for both the driver and the animal, as well as for the community as a whole;

17. All Animals in the stores will have 24/7 access to water

etc., but all new pet families must have access to some guidance that they can easily access once home with their new pet.

25. All clients who purchase a pet from a Retail store shall be provided with a phone number contact for the store personnel, a Veterinarian, a Veterinary Emergency Number, or someone that can be reached 24/7, after-hours, weekends, holidays, etc., in the event the store is closed and the new pet owner has an emergency related to the animal.

26. Any animal sold, weighing under 2.5 lbs, at the time of sale, must be educated and sent home with a document explaining the risk of hypoglycemia, what to do in the event hypoglycemia is suspected, and a list of supplies needed to deal with suspected hypoglycemia, should it occur. Client must sign their receipt of such documentation, and such kept on file in the Store "sold" animal records.

27. The Stores shall keep a record of any sold animal who is returned, for any reason, and the reason should be documented, as is the resolution offered to the Client and any refund or credit given to purchaser. These records should be made available during any inspection.

**** All Animals, upon arrival from the Breeder, must spend a period of 7-8 days in a separate room for the purpose of isolation/quarantine, and kept separate from all other animals in the store, other than any animals that were transported together or who came from the same Breeder at the same time together, prior to having the Florida Health Certification Examination to determine their fitness for sale. Such a separation must have at the least three (3) full floor-to-ceiling walls separating this room from the main facility- and have a door separating- or the ISO/Quarantine can take place in a separate facility altogether.**

After such time in isolation/quarantine, any animal demonstrating any sign of communicable disease, i.e. kennel cough, parvo, upper respiratory symptoms or GI Symptoms must be seen by a Licensed Veterinarian to be evaluated and followed within 24 hours of such symptoms being recognized, until they can receive a clean bill of health. Records of such time spent in ISO and/or Veterinarian examinations must be kept daily.