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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 9 ANIMALS, GENERAL ORDINANCES, MARTIN COUNTY CODE; SECTION 9.87.A.19.b TO EXTEND THE AMORTIZATION PERIOD UNTIL JUNE 30, 2023, PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized, pursuant to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt and amend ordinances; and

WHEREAS, the Board of County Commissioners has determined it is in the best interest of the public health, safety and welfare to periodically update Chapter 9, Animals; and

WHEREAS, due to the growing concern throughout Florida and the country involving the sale of rabbits, dogs and cats from pet stores; and

WHEREAS, rabbits, dogs and cats sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of rabbits, dogs and cats in pet stores pose; and

WHEREAS, on June 7, 2022, the Board of County Commissioners considered the April 21, 2022 recommended ordinance approved by the Animal Care and Control Oversight Board (ACCOB) and conducted a public hearing to consider the proposed changes and determined the prohibition of the retail sale of rabbits, dogs and cats in Martin County to be in the best interest of the health, safety and welfare of its residents and citizens and the public at large and approved Ordinance No. 1181 unanimously; and

WHEREAS, on September 27, 2022 the Board of County Commissioners conducted a discussion regarding the ordinance prohibiting the sale of dogs, cats and rabbits at pet stores and directed staff to send Ordinance No. 1181 to the ACCOB for discussion and to contact County pet store owners and animal rescue organizations to provide additional public input; and

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WHEREAS, following notice to all pet stores and animal rescue organizations, the ACCOB conducted a public workshop on October 19, 2022 to provide a forum for public input regarding the ordinance; and

WHEREAS, the ACCOB was provided all public input including letters, emails, federal and state records and recommended changes to the existing ordinance from County pet store owners and conducted a public meeting on November 17, 2022; and

WHEREAS, on November 17, 2022 the ACCOB following careful deliberations voted unanimously to recommend amending Chapter 9, Article 4, Section 9.87.A.19b., General Ordinances, Martin County Code to extend the amortization period until June 30, 2023 consistent with its original April 21, 2022 recommendation; and

WHEREAS, the Board of County Commissioners has considered the information submitted concerning the ordinance as well as the recommendation of the ACCOB and conducted a public hearing to consider the proposed changes to Section 9.87.A.19b and determined such change is in the best interest of the health, safety and welfare of its residents and the public at large.

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

PART ONE: Chapter 9, Article 4, Section 9.87.A.19b. General Ordinances, Martin County Code is hereby amended to read as follows:

19.a. Pet stores shall not sell or offer for sale rabbits, dogs or cats. This subsection shall not prohibit pet stores from collaborating with animal shelters or private nonprofit organizations as defined in Section 9.1 of this chapter to offer space for such entities to showcase adoptable rabbits, dogs and cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of these animals.

b. *Amortization period.* Any existing pet store that is lawfully operating on or before June 30, 2022, shall be permitted to continue the retail sale of rabbits, dogs and/or cats until ~~December 31, 2022~~June 30, 2023.

1. As a condition of continued operation during the amortization period, a pet store shall not increase or enlarge its floor space.

2. An existing pet store shall provide proof of its retail sales existing as of June 30, 2022 to the Animal Services Unit through sales receipts, franchise agreements, leases or other documentation readily authenticated as true and accurate documents. Proof of its retail sales existing as June 30, 2022 shall be provided to the Animal Services Unit within thirty (30) days after June 30, 2022. Failure to provide required documentation will result in the loss of nonconforming status.

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3. Any existing pet store that voluntarily abandons the retail sale for a period of more than thirty (30) days, or ceases retail sale as a result of destruction by fire or other peril shall lose its nonconforming status.

Part Two - Conflicting Provisions.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

Part Three - Severability.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

Part Four - Applicability of Ordinance.

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

Part Five - Filing with Department of State.

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

Part Six - Effective Date.

This ordinance shall take effect immediately upon filing with the Department of State.

Part Seven - Codification.

Provisions of this ordinance shall be incorporated in the County Code, except parts Two to Seven shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

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ADOPTED this 13th day of December, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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