

PART 11. - HOBBY BREEDERS AND CASUAL SELLERS

Footnotes:

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Editor's note— Ord. 2010-527-E, §§ 12 and 13, amended the Code by repealing former Pt. 11, §§ 462.1101—462.1112, and adding a new Pt. 11. Former Pt. 11 pertained to animal dealers, and derived from Ord. 2004-259-E, § 1, and Ord. 2007-839-E.

Sec. 462.1101. - Definitions.

As used in this Part, unless the context clearly requires otherwise:

- (a) *Hobby Breeder* means any person, business, organization or corporation that is not covered under Part 10 (Pet Shops and Animal Dealers), that breeds dogs, cats, puppies or kittens and whose primary source of income is not derived from the sale of animals who may sell, trade, exchange or otherwise place up to 20 unsterilized animals (the individual litter that brings the total offspring born to 20 or more meets the requirement of the 20 animal maximum) per calendar year provided that the litters are registered with ACPS. Registration shall be in the form of a letter stating when the litter was born and the number of animals in the litter.
- (b) *Health Certificate* mean "Official Certificate of Veterinary Inspection (OCVI)" [Form DACS-09085, in accordance with §828.29, F.S.] issued by a Florida licensed veterinarian accredited by the U.S.D.A.
- (c) *Occasional selling* means any selling, trading or giving away of an animal or a litter of puppies, kittens, or other animals, that is on a random unsystematic basis and that does not exceed the selling, trading or giving away of a total of up to (the litter that brings the total to ten offspring born sale meet the requirement of the 10 animal maximum if the animals are being bred) in any calendar year.

(Ord. 2010-527-E, § 13)

Sec. 462.1102. - Health Certificates Required.

- (a) The owner of any cat or dog that is sold or exchanged for valuable consideration between private parties is required to provide to the new owner a current, valid OCVI Health Certificate with each animal at the time the animal is offered and a copy of the Health Certificate must be provided at the time of exchange.
- (b) All dogs and cats offered for sale or exchange for valuable consideration must have valid, current OCVI Health Certificates at the time they are offered for sale. These certificates must be presented to any animal control officer upon demand for review.
- (c) All unsterilized dogs and cats that are given away or exchanged at an arms-length transaction must also have current, valid OCVI Health Certificates at the time offered and the certificate must be transferred with the animal. These certificates must be presented to any animal control officer upon demand for review.
- (d) Violations of this Section are subject to a fine of not less than the amount designated in Chapter 462, Part 18. Each animal not in compliance with this Section shall be considered a separate infraction and violation of this Section.

- (e) Animal shelters and rescue groups offering animals for adoption are exempt from the provisions of this Section. To qualify for the exemption, a rescue group must be a not for profit organization (or operating as an agent of an organization) under Section 501(c)(3) of the Internal Revenue Code with the express mission/business function of adopting sterilized homeless and unwanted animals. A copy of the I.R.S. letter of designation shall be provided to ACPS upon request.

(Ord. 2010-527-E, § 13)

Sec. 462.1103. - Hobby Breeder and Occasional Seller Permits.

All permits issued under this Section shall require verifiable proof that all required animals are current on rabies vaccination and licensing. Since such information is exempt from public records disclosure in accordance with F.S. § 828.30(5), such information shall not be disclosed to the general public consistent with and pursuant to that exemption. Hobby Breeder and/or Occasional Seller permits are limited to one per person, entity, corporation and location. If two or more hobby breeders and/or occasional sellers occupy one location or if any hobby breeder and/or occasional seller occupies or operates more than one location only one hobby breeder permit and/or occasional seller permit, in aggregate, shall be issued. If multiple locations are to be used or if multiple people are breeding in a location a Pet Shop and Animal Dealer permit may be required.

- (a) *Hobby Breeder Permit Required.* A hobby breeder shall be person, entity or corporation not qualified as a pet dealer whose primary source of income is not derived from the breeding and/or sale of animals. ACPS shall issue, at no charge for a breeder that owns 30 or fewer unsterilized animals one year of age or older (if more than 30 are owned a per animal fee may be charged as found in www.coj.net/fees - there shall be no maximum number of animals established), an initial and subsequent renewal annual hobby breeder permit upon application by interested individuals if the following provisions are in place:

- (1) A physical inspection of the property where ACPS has determined that the property is in compliance with Sections 462.1104 and 462.1105,
- (2) All animals on the premises must be current on required rabies vaccination and City license, if required, and
- (3) The applicant has not been found guilty of animal negligence, cruelty or abuse.

A permitted hobby breeder may sell, trade, exchange or otherwise place up to 20 animals (the litter that brings the total to 20 offspring born sale meet the requirement of the 20 animal maximum if the animals are being bred) per calendar year provided that the litters are registered with ACPS. Registration shall be in the form of a letter stating when the litter was born and the number of animals in the litter.

- (b) *Occasional Seller Permit Required.* ACPS shall issue, at no charge for an occasional seller that owns 15 or fewer unsterilized animals one year of age or older (if more than 15 are owned a per animal fee may be charged at the rate as found in www.coj.net/fees - there shall be no maximum number of animals established), an initial and subsequent renewal annual occasional seller permit upon application by interested individuals if the following provisions are in place:

- (1) All animals on the premises must be current on required rabies vaccination and City license, and

(2) The applicant must not have been convicted of animal negligence, cruelty or abuse.

An occasional seller must register the litters or other unsterilized animals to be sold, traded, given away or exchanged with ACPS by sending written notice before the animals are offered for sale or otherwise exchanged; providing numbers of animals to be sold, traded or given away. An occasional seller shall not be subject to the other requirements of this part.

(Ord. 2010-527-E, § 13; Ord. 2017-665-E, § 23)

Sec. 462.1104. - Inspections.

- (a) A recipient of a hobby breeder permit shall allow an inspection once every two years without a warrant of the premises used for sheltering, maintaining and/or breeding animals upon 72 hours notice, except for those portions of the premises used solely for human habitation or to house personal pets not used for breeding.
- (b) The inspection shall be performed by an ACPS Animal Control Officer or, at the sole discretion of the permittee, by a State of Florida licensed veterinarian. If a veterinarian does the inspection, the permittee shall pay the veterinarian for the cost of the inspection and the submission of the inspection report to ACPS. The veterinarian may not issue citations, but shall report the inspection findings to ACPS within 24 hours of the inspection. ACPS may use the report of the veterinarian in the regular course of business to support an application for a search warrant where violations are reported.
- (c) A Hobby Breeder permittee shall comply with all applicable requirements of Chapter 462 of the Jacksonville ordinances.
- (d) The regulations and standards for inspections shall be described in section 462.1105.

(Ord. 2010-527-E, § 13)

Sec. 462.1105. - Regulations and Standards.

- (a) Every Hobby Breeder permittee shall have a primary veterinarian responsible for the veterinary care of the animals.
- (b) Appropriate veterinary care shall be provided to each animal requiring veterinary treatment for any condition.
- (c) Every animal shall be provided with adequate care for its genus, species, subspecies (if applicable), age, and sex including, but not limited to, the following:
 - (1) Access to usual and customary veterinary care for the species needed to prevent suffering or impairment of health.
 - (2) *Adequate care* or *Care*: The responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the genus, species, subspecies (where appropriate), age, and condition of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
 - (3) *Adequate cleaning* or *Cleaning*: The removal of carcasses, debris, food waste and excrement from the

primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the cleaning of the primary enclosure so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants; and the sanitization of the primary enclosure with sufficient frequency to minimize odors and the hazards of disease.

- (4) *Adequate exercise* or *Exercise*: The opportunity for an animal to move sufficiently inside or outside of its primary enclosure to maintain normal muscle tone and mass for the genus, species, subspecies (where appropriate), age, and condition of the animal.
- (5) *Adequate feed* or *Feed*: The provision of and access to food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the genus, species, subspecies (where appropriate), age, and condition of the animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the genus, species, subspecies (where appropriate), age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian. Animals under current active veterinary care may deviate from "ideal" body weight.
- (6) *Adequate lighting* or *Lighting*: Sufficient illumination to permit routine maintenance, cleaning, and housekeeping of the facility and observation of the animals; to provide regular diurnal (to simulate natural day and night light cycles) lighting cycles of either natural or artificial light, diffused throughout the facility; and to promote the well-being of the animals. When referring to a private residential dwelling and its surrounding grounds it means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.
- (7) *Adequate shelter* or *Shelter*: The provision of and access to shelter that is suitable for the genus, species, subspecies (where appropriate), age, and condition of the animal. The shelter shall have adequate space, cleaning and lighting for each animal that is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health. Under this chapter, primary enclosures with wire or grid floor are not adequate shelter if the grid or slat floors, regardless of the material from which they are made:
 - (i) Permit the animals' feet to pass through the openings,
 - (ii) Sag under the animals' weight, or
 - (iii) Otherwise do not protect the animals' feet or toes from injury.
- (8) *Adequate space*: Sufficient space to allow for each animal's safety and for each animal to
 - (i) Easily stand, sit, lie, turn about, and make all other normal body movements in a normal position for the animal and
 - (ii) Interact safely with other animals in the enclosure. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.
- (9) *Adequate water*: The provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals to maintain normal hydration for the genus, species, subspecies (where appropriate), age, and condition

of the animal, except as prescribed by a veterinarian; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests.

- (10) *Adequate Ventilation*: where fresh air is periodically available in such frequency as to not allow stagnation of the air in the areas where animals are kept, and all air is properly circulated as needed and appropriate for the species.
- (11) Water containers and food receptacles shall either be secured in a manner that prevents tipping and be of the removable type or of sufficient weight, shape and size to resist tipping by the species of animal being fed.
- (12) Every fish tank shall, for each fish and/or aquatic animal within, have appropriate and sufficient water, food, plant life, lighting, aeration, filtration, and heating and shall be free from excessive algae.
- (d) No animal shall be tranquilized for grooming purposes or, in the absence of explicit direction from a veterinarian, for the purpose of keeping the animal in a docile state.
- (e) Every animal shall be provided an appropriate waterproof primary enclosure, unless a residence is the primary enclosure. The primary enclosure shall protect the animal from the weather, extreme temperatures and direct sunlight. To the extent the animal is sheltered in a cage, run or other such primary enclosure (hereinafter "enclosure"), the following shall also apply:
 - (1) Enclosures shall be constructed of nonporous, nonabsorbent, material impervious to water, except where the primary residence of the permittee is the enclosure. Floors shall be fiberglass, concrete, tile or other nonporous and impervious material.
 - (2) Bedding shall be clean, dry, of sufficient quantity and of appropriate composition.
 - (3) Enclosures shall be kept clean and dry and shall be maintained throughout each day and shall be emptied and cleaned at least once per day.
 - (4) When an enclosure becomes empty through sale or other transfer of its occupant or occupants, the enclosure shall not be used to hold or house another animal until it has been thoroughly cleaned and disinfected.
 - (5) Every cat enclosure shall be of a size that is no less than 30 cubic feet of space per cat contained and shall contain a spill-resistant litter pan of sufficient size and with sufficient litter for the number of cats within the enclosure.
 - (6) Every animal shall have sufficient space to stand fully erect, lie down fully outstretched, and turn completely around in a natural position without touching the sides or top of the primary enclosure with any part of its body, including ears and tail, and without touching any other animal in the enclosure.
 - (7) Every Hobby Breeder permittee shall have an exercise plan for their animals approved by a licensed veterinarian.
 - (8) Animals shall not be commingled inappropriately for their genus and species, except that rodents may be placed in enclosures containing reptiles when being used as reptile food. Except when the enclosure is a residence; no combination of dogs, cats, and/or birds shall be commingled in the same enclosure. No enclosure shall be overcrowded.

(Ord. 2010-527-E, § 13)

Sec. 462.1106. - Citations.

Where the violation is not severe in nature, defined by the imminent risk of suffering or harm to the animal or persons in the dwelling or neighboring area, an Animal Control Officer shall issue a warning for the first violation with a reasonable time to cure the violation. The Animal Control Officer where practical shall perform a follow-up investigation to determine whether the situation has been corrected and shall issue a citation for any continuing or subsequent violation. All fees and fines associated with this Section shall be deposited in the Spay and Neuter Trust Fund.

(Ord. 2010-527-E, § 13)