

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA AMENDING PART II, CHAPTER 10 OF THE CITY'S **CODE OF ORDINANCES ENTITLED "ANIMALS", BY CREATING A NEW SECTION 10-11 ENTITLED "RETAIL SALE OF DOGS AND CATS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," ("Facilities") that mass-produce animals for sale to the public; and

WHEREAS, because of the lack of proper animal husbandry practices at these Facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, and breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, many animals produced in these Facilities are purchased by retail pet stores for sale to the public; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the product of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the City Commission believes that puppy mills and kitten factories continue to exist in part because of public demand fueled by the availability of dogs and cats in pet stores leading to "impulse" purchases of animals; and

WHEREAS, the City Commission believes that restricting the retail sale of dogs and cats in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City; and

WHEREAS, the City Commission believes that the restriction of the retail sale of dogs and cats in pet stores in the City will reduce impulse purchases of pets, which can lead to abandonment or mistreatment of the animals once they have outgrown their initial puppy or kitten appeal and will also encourage pet consumers to

adopt dogs and cats from shelters where proposed owners are screened for their suitability with respect to the animal, thus reducing the likelihood that the animal will be mistreated or abandoned and thereby saving animals' lives and reducing the cost to the public of sheltering animals;

WHEREAS, the City Commission of the City of North Lauderdale has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of North Lauderdale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:

Section 1: Chapter 10 of the City's Code of Ordinances, entitled "Animals" is hereby amended to create Section 10-11 entitled "Retail Sale of Dogs and Cats," as follows:

Sec. 10-11. Retail Sale of Dogs and Cats.

(1) *Definitions.* For purposes of this section, the following definitions shall apply:

*Animal rescue organization* means humane society or other duly incorporated nonprofit organization registered with the Florida Department of State and operated as a bona fide charitable organization under Section 501(c)(3) of the Internal Revenue code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals and which does not breed animals.

*Animal Shelter* means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals, and which does not breed animals.

*Cat* means an animal of any age of the Felidae family of the order Carnivora.

*Certificate of source* means a document from the source City or County animal shelter or animal control agency, humane society, non-profit rescue organization or Hobby Breeder declaring the source of origin of a dog or cat on the premises to be sold or transferred or offered for sale or transfer. A certificate of source shall include at a minimum, a brief description of the dog or cat, the name, address, telephone number, and e-mail address of the source of the dog or cat, and shall be signed by both the pet store certifying the accuracy of the certificate and by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate.

*Dog* means an animal of any age of the Canidae family of the Carnivora.

*Hobby Breeder* means any person or entity that causes or allows the breeding or studing of a dog or cat resulting in no more than a total of one litter per adult animal per calendar year whether or not the animals in such litter are offered for sale or other transfer.

*Pet store* means any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs and/or cats, regardless of the age of the dog or cat.

*Pet store operator* means a person who owns or operates a pet store.

(2) Sale or transfer of dogs and/or cats. No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City of North Lauderdale on or after the effective date of this Ordinance.

(3) Exemptions. This section does not apply to:

- (a) A Hobby Breeder as defined herein.
- (b) An animal shelter.
- (c) An animal rescue organization.
- (d) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.

(4) Certificate of Source. A pet store shall post and maintain in a conspicuous place, on or within three (3) feet of each dog's or cat's kennel, cage or enclosure, a certificate of source of each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred.

(5) Violations – Enforcement.

- (a) Any person who violates this Section shall be subject to a fine of up to \$250.00 per day for a first time violation, and up to \$500.00 per day for a repeat violation in accordance with Section 2-268 of the City's Code of Ordinances.

Section 2: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City's Code of Ordinances.

Section 3: That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

Section 4: That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 5: That this Ordinance shall become effective immediately upon the date of adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

CITY OF NORTH LAUDERDALE, FLORIDA

APPROVED AS TO FORM:

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
SAMUEL S. GOREN, CITY ATTORNEY

\_\_\_\_\_  
VICE MAYOR JERRY GRAZIOSE

ATTEST:

\_\_\_\_\_  
PATRICIA VANCHERI, CITY CLERK