

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE NO. 2014-02

**AN ORDINANCE OF WELLINGTON, FLORIDA'S
COUNCIL, AMENDING CHAPTER 14 OF THE CODE OF
ORDINANCES BY CREATING A NEW SECTION 14-2,
ENTITLED "RETAIL SALE OF DOGS AND CATS";
PROVIDING FOR CONFLICT; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY;
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," that mass-produce animals for sale to the public, many of which are sold in pet stores; and

WHEREAS, cats and dogs that are bred in puppy mills or kitten factories often suffer from health, social and/or temperament problems that sometimes result in costly treatment or even death; and

WHEREAS, in addition to the congenital and hereditary conditions resulting from substandard breeding facilities, dogs and cats bred at these facilities may arrive in pet stores and their new homes with giardia, parvovirus, and distemper, illnesses that can be transmitted to healthy family animals; 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," these facilities continue to exist in part because of public demand for the sale of dogs and cats in pet stores; and

WHEREAS, according to the Humane Society of the United States, Florida has the highest number of consumer complaints submitted to the Humane Society and the highest number of complaints about puppies purchased from pet stores; and

WHEREAS, prohibiting the retail sale of dogs and cats in the Village will promote community awareness of animal welfare and will encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:

SECTION 1: Chapter 14 of the Village of Wellington's Code of Ordinances is amended to create Section 14-2, "Retail Sale of Dogs and Cats," as follows:

1 Section 14-2. Retail Sale of Dogs and Cats.

2
3 (1) Definitions. For purposes of this section, the following definitions shall apply:

- 4
5 a. "Animal rescue organization" means a duly incorporated nonprofit organization
6 devoted to the rescue, care and adopting of stray, abandoned or surrendered
7 animals and which does not breed animals.
8 b. "Animal shelter" means a municipal or related public animal shelter or duly
9 incorporated nonprofit organization devoted to the rescue, care and adoption of
10 stray, abandoned or surrendered animals, and which does not breed animals.
11 c. "Cat" means an animal of the Felidae family of the order Carnivora.
12 d. "Dog" means an animal of the Canidae family of the Carnivora.
13 e. "Pet store" means any retail establishment open to the public that sells or transfers,
14 or offers for sale or transfer, dogs and/or cats, regardless of the age of the dog or
15 cat.
16 f. "Pet store operator" means a person who owns or operates a pet store.

17
18 (2) Sale or transfer of dogs and/or cats.

19
20 No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away,
21 transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the Village of
22 Wellington .
23

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

- 25
26 a. A person that sells, delivers, offers for sale, trades, barter, leases, rents, auctions,
27 gives away, or otherwise transfers or dispose of dogs and/or cats that were bred and
28 reared on property owned by the person.
29 b. An animal shelter
30 c. An animal rescue organization
31 d. An animal shelter or animal rescue organization that operates out of or in connection
32 with a pet store.
33

34 (4) Adoption of shelter and rescue animals. Nothing in this section shall prevent a pet store
35 or its owner, operator or employees from providing space and appropriate care for
36 animals owned by an animal shelter or animal rescue organization and maintained at the
37 pet store for the purpose of adopting those animals to the public.
38

39 (5) Violations – Enforcement.

- 40 a. Any person who violates this section shall be subject to penalties set forth in
41 Section 1-12 of this Code of Ordinances.
42 b. Additionally, the Village may initiate a civil action in a court of competent
43 jurisdiction to enjoin any violation of this section.
44

45 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
46 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
47 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this
48 Ordinance shall prevail to the extent of such conflict.

49 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
50 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision

1 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
2 other than the part so declared to be invalid.

3
4 **SECTION 4:** This Ordinance shall become effective immediately upon adoption
5 of the Wellington Council following second reading.

6
7 **PASSED** this _____ day of January, 2014 upon first reading.

8
9 **PASSED AND ADOPTED** this _____ day of January, 2014, on second and final
10 reading.

11 **WELLINGTON**

12 **FOR**

AGAINST

13 BY: _____

14 Bob Margolis, Mayor

15 _____

16 Howard K. Coates, Jr., Vice Mayor

17 _____

18 Matt Willhite, Councilman

19 _____

20 Anne Gerwig, Councilwoman

21 _____

22 John Greene, Councilman

23 **ATTEST:**

24 BY: _____

25 Awilda Rodriguez, Clerk

26 **APPROVED AS TO FORM AND**
27 **LEGAL SUFFICIENCY**

28 BY: _____

29 Laurie Cohen, Village Attorney