

ORDINANCE C-17-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 6, ENTITLED "ANIMALS", ARTICLE II, ENTITLED "DOGS AND CATS" OF THE CITY CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, BY CREATING SECTION 6-36, TO BE ENTITLED "RETAIL SALE OF DOGS AND CATS;" PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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WHEREAS, according to the Humane Society of the United States, more than a million dogs and cats in the United States are housed and bred each year at substandard breeding facilities known as "puppy mills" or "kitten factories," ("Facilities") that mass-produce animals for sale to the public; and

WHEREAS, according to USDA inspection reports, documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, breeding animals used 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, 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 animals once they have outgrown their initial puppy or kitten appeal and will promote community awareness of animal welfare and in addition, will foster a more humane environment as well as 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AS FOLLOWS:

SECTION 1. That the foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. That Chapter 6 entitled “Animals, Section II entitled “Dogs and Cats” of the City’s Code of Ordinances is amended by creating a new Section 6-36 to read as follows:

Sec. 6-36. Retail Sale of Dogs and Cats.

(a) Definitions. For purposes in this Section, the following definitions shall apply:

*Animal rescue organization* means a humane society or other duly incorporated or organized nonprofit organization 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 county, municipal or public animal shelter or a duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)(3) of the Internal Revenue Code 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 species of domestic cat, *Felis catus*.

*Certificate of source* means a document from an animal shelter or animal rescue organization which provides (a) a brief description of the dog or cat, the name, address, telephone number, and e-mail address of the source (animal shelter or animal rescue organization) of the dog or cat; (b) shall be signed by the pet store certifying that the pet store received the dog or cat from an animal rescue organization or animal shelter; and (c) shall be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the Certificate of Source.

*Dog* means an animal of any age of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*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 or business entity who owns or operates a pet store, or both.

*Retail sale* includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any dog or cat.

(b) 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 on or after the effective date of this Ordinance.

(c) *Exemptions.* This section does not apply to:

- (1) A publicly operated animal control facility or animal shelter;
- (2) A private, charitable, nonprofit humane society or animal rescue organization; or
- (3) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

(d) *Certificate of Source.*

- (1) A pet store shall post and maintain in a conspicuous place, on or within three (3) feet of each animal's kennel, cage or enclosure, a Certificate of Source for each dog or cat offered for sale or transfer, and the pet store shall provide a copy of such Certificate of Source to the purchaser or transferee of any dog or cat sold or transferred.
- (2) Any law enforcement officer or employee of a county animal shelter may, at any time, request to review copies of such certificates and, upon such request, the pet store operator must present such certificates at that time and without delay.
- (3) Falsification of a Certificate of Source by a pet store, pet store operator, or any other person shall be deemed a violation of this section.

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

(f) *Violations.* A violation of this Section for which a citation is issued is a civil infraction subject to the enforcement procedures set forth in Chapter \_\_\_\_ of the City of Fort Lauderdale Code of Ordinances.

**SECTION 3.** That all ordinances or part of ordinances or all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this the \_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING this the \_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

JOHN P. "JACK" SEILER

ATTEST:

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City Clerk

JEFFREY A. MODARELLI

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