

ORDINANCE NO. C-17-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 6, ENTITLED "ANIMALS," BY AMENDING SECTION 6-1, "DEFINITIONS," AND BY AMENDING ARTICLE II, ENTITLED "DOGS AND CATS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING SECTION 6-36, TO BE ENTITLED "RETAIL SALE OF DOGS AND CATS," TO PROHIBIT THE SALE OF DOGS AND CATS BY PET STORES EXCEPT AS OTHERWISE PROVIDED, PROVIDING FOR THE POSTING AND MAINTENANCE OF CERTIFICATES OF SOURCE, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE AND RESOLUTION PROVISIONS, AND AN EFFECTIVE DATE

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WHEREAS, according to the Humane Society of the United States in its 2016 report entitled *Puppy Mills: Facts and Figures*, 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, the USDA monitors dog breeding facilities for compliance with the Animal Welfare Act. Its inspection reports and enforcement records document 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, as documented by the USDA, by the ASPCA in *The Dog Factory: Inside the Sickening World of Puppy Mills*, and by the Humane Society of the United States in *The Horrible Hundred 2016: A Sampling of Problem Puppy Mills in the United States*; and

WHEREAS, many animals produced in these Facilities are purchased by retail pet stores for sale to the public, as reported by many organizations, such as the Best Friends Animal Society, the Humane Society of the United States, the Companion Animal Protection Society and the ASPCA; and

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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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

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 6-1 "Definitions" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Section 6-1. Definitions.

For the purpose of this Article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. Words not defined shall be given their meaning as provided in Section 6-1, Animals, of the Code of Ordinances of the City of Fort Lauderdale, Florida.

*Animal* as defined in Section 6-1 of the Code of Ordinances.

*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 that of 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*.

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Certificate of source means a document certifying the source of the dog or cat.

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

*Domesticated* as defined in Section 6-1 of the Code of Ordinances.

*Impounded* as defined in Section 6-1 of the Code of Ordinances.

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.

*Owner* as defined in Section 6-1 of the Code of Ordinances.

*Pet* as defined in Section 6-1 of the Code of Ordinances.

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

Pet store operator means a person or business entity that owns or operates a pet store, or both.

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

*Vicious animal* as defined in Section 6-1 of the Code of Ordinances.

*Wild animal* as defined in Section 6-1 of the Code of Ordinances.

SECTION 3. That Chapter 6 entitled "Animals, Section II entitled "Dogs and Cats" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended by creating a new Section 6-36 to provide as follows:

- (a) No pet store shall offer for retail sale as defined herein, or otherwise dispose of dogs or cats in the City on or after the effective date of this Ordinance.
- (b) Exemptions. This section does not apply to any of the following:
  - (1) A publicly operated animal control facility;
  - (2) An animal shelter;

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- (3) A private, charitable, nonprofit humane society or animal rescue organization;
- (4) 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.

(c) Certificate of Source.

- (1) A pet store operator 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, and the pet store shall provide a copy of such Certificate of Source to the purchaser of any dog or cat sold.
- (2) The Certificate of Source shall:
  - (a) Contain 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) 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) Be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the Certificate of Source.
- (3) A pet store operator must prove that each dog or cat offered for sale comes from an animal shelter, rescue organization or non-breeding facility.
- (4) Any law enforcement officer or code compliance inspector 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.
- (5) 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.
- (d) 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.

- (e) 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 11 of the City of Fort Lauderdale Code of Ordinances.

SECTION 4. That all ordinances or part of ordinances in conflict with this Ordinance are repealed to the extent of such conflict, and all resolutions or parts of resolutions in conflict with this Ordinance are rescinded to the extent of such conflict.

SECTION 5. 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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