

ORDINANCE NO. C-17-12

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

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 including: (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 in these Facilities 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

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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

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 means any living dumb creature.

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.

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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*.

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 means those species of animals that generally live in or about the habitation of humans, including, but not limited to dogs, cats, cows, horses, fowl, sheep, goats and pigs.

Impounded means any animal which is received into custody by any employee of the county.

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 means any person having a license for, or legal title to an animal or feeding, having charge of, harboring, keeping, possessing, sheltering or taking care of any animal for seven (7) or more consecutive days unless the animal is being boarded for a fee. If a commercial kennel is involved for breeding, then ownership shall be indicated by the kennel operator by showing the registration of the animal in the name of the actual owner of the animal.

Pet means any animal that is kept or maintained for pleasure rather than utility.

Pet store means any retail establishment open to the public that sells, or offers for sale pets, regardless of the age.

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 (except as provided in Sec. 3(d) herein), barter, auction, or give away of any dog or cat.

Vicious animal means any animal that attacks a person by biting or in any manner causing injury or the reasonable likelihood of injury or one who habitually or repeatedly attacks other animals. However, this provision shall not apply to any animal that bites, attacks or attempts to attack any person or animal trespassing upon its owner's or keeper's premises or which is provoked to attack.

Wild animal means any animal which can normally be found in a wild state including those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans such as monkeys, raccoons, skunks, squirrels, deer, tigers, lions and the like.

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;
 - (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.

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- (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 owned by an animal shelter or animal rescue organization which is being maintained at the pet store for the purpose of adopting those animals.
- (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.
- (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.

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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 6th day of June, 2017.

PASSED SECOND READING this the ____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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