

**ORDINANCE NO. 19-2014**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES TITLED "ANIMALS", AT ARTICLE II, "DOGS AND CATS", BY CREATING A NEW SECTION 10-46 PROVIDING FOR THE PROHIBITION OF THE SALE OR TRANSFER OF DOGS AND/OR CATS IN ANY PET STORE AS DEFINED HEREIN AND THE PROHIBITION OF COMMERCIAL BREEDING OF DOGS AND/OR CATS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING 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 inhuman breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories", the Town Council 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; and

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

WHEREAS, the Town Council believes that the restriction of the retail sale of dogs and cats in pet stores in the Town will reduce mistreatment of the animals in "puppy mills" and "kitten factories" by reducing demand for such animals and will encourage pet consumers to adopt dogs and cats from shelters benefitting these animals and reducing the cost to the public of sheltering them; and

WHEREAS, the Town Council of the Town of Palm Beach has determined that the following amendment promotes and protects the general health, safety and welfare of the residents of the Town of Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are hereby ratified as true and correct and are incorporated herein by reference.

Section 2. Chapter 10 of the Town Code of Ordinances titled Animals is hereby amended at Article II, Dogs and Cats, to include a new Section 10-46 to read as follows:

**CHAPTER 10  
ANIMALS**

**ARTICLE II. Dogs and Cats**

**"Sec. 10-46. Sale or transfer of dogs and/or cats and commercial breeding prohibited.**

(a) For the purposes of this section, the following definitions shall apply:

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

*Dog* shall mean an animal of any age of the Canidae family of the order Carnivora.

*Pet Store* shall mean 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.

(b) Sale or Transfer of Dogs and/or cats prohibited. 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 Town of Palm Beach on or after the effective date of this Ordinance.

(c) The breeding of dogs or cats for commercial purposes with the intent to have such dogs or cats sold, traded, delivered or transferred to another is prohibited within the Town"

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

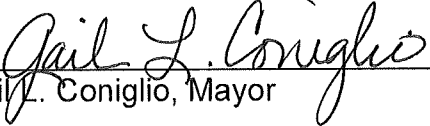
Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

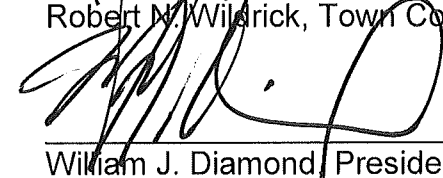
Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

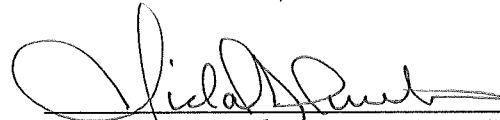
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of December 2014, and for second and final reading on this 13th day of January 2015.

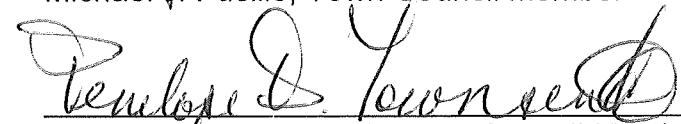
  
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Gail L. Coniglio, Mayor

  
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Robert N. Wildrick, Town Council President

  
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William J. Diamond, President Pro Tem

  
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Richard M. Kleid, Town Council Member

  
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Michael J. Pucillo, Town Council Member

  
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Penelope D. Townsend, Town Council Member



ATTEST:

  
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Susan A. Owens, MMC, Town Clerk

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