

ORDINANCE NO. 2014-3860

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE, ENTITLED "ANIMALS," BY CREATING SECTION 10-18, TO BE ENTITLED "REQUIREMENTS FOR SALES OF DOGS AND CATS; DEFINITIONS; PERMITTED SOURCES; CERTIFICATE OF SOURCE; PENALTIES"; AND BY AMENDING SECTIONS 10-2 AND 10-3 TO CROSS-REFERENCE THE NEW PROVISIONS IN SECTION 10-18; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the humane treatment of animals is an important public purpose; and

WHEREAS, "puppy mills" are inhumane and unsanitary commercial breeding facilities for dogs in which the health of the dogs is disregarded to maintain a low overhead and maximize profits, for example by keeping parent dogs in cages for their entire lives without adequate food, water, veterinary care, or socialization, breeding females multiple times per year with little to no recovery time between litters, and breeding dogs regardless of whether they carry congenital or hereditary diseases; and

WHEREAS, according to United States Department of Agriculture 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, the Humane Society of the United States estimates that, each year, two to four million puppies are born in the United States in puppy mills; and

WHEREAS, kittens are also inhumanely bred and housed in similarly cruel mills or "kitten factories"; and

WHEREAS, the most effective way to stop puppy and kitten mills is to discourage the purchase and sale of puppies and kittens produced at these inhumane facilities; and

WHEREAS, according to the Humane Society of the United States, although American consumers purchase dogs and cats believing the pets to be healthy and genetically sound, in reality, the animals that come from mills often face an array of health problems, including not only communicable diseases or genetic disorders that present immediately after sale but also diseases or disorders that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

WHEREAS, numerous alternatives exist for people to find pets, including adoption of animals from Miami-Dade County's Animal Shelter or other public shelters; adoption from humane societies or other animal rescue organizations; or purchase from reputable and conscientious breeders; and

WHEREAS, across the country, thousands of independent pet stores and large chain stores operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, often collaborating with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, the adoption of regulations governing the sale of dogs and cats in the City will promote community awareness of animal welfare, foster a more humane environment, and 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 DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1.

That Chapter 10, entitled "Animals" of the Miami Beach City Code is hereby amended as follows:

Chapter 10

ANIMALS

* * *

Sec. 10-2. Fines for violations of animal control ordinances; unpaid fines to constitute lien and basis for revocation of city parking permits/decals.

(a) All violations of this chapter are civil infractions, except as otherwise provided in section 10-5. Each violation of this chapter shall constitute a separate offense. Violations of this chapter, except as otherwise provided in section 10-18, within a 12-month period will be punished as follows:

- (1) For a first offense, a \$50.00 fine.
- (2) For a second offense within the preceding 12 months, a \$100.00 fine.
- (3) For each additional offense within the preceding 12 months, a \$200.00 fine.

* * *

Sec. 10-18. Requirements for Sales of Dogs and Cats; Definitions; Permitted Sources; Certificate of Source; Penalties.

(a) Definitions. For purposes of this section, the following words, terms, and phrases shall have the following meanings:

1. Animal Rescue Organization means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane

treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction in which the not-for profit legal entity is headquartered.

2. Breeder means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. However, this definition shall not apply to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of animals does not exceed the maximum number set forth in section 10-16.
3. Cat means an animal of any age of Felis catus.
4. Dog means an animal of any age of the Canis lupus familiaris or resultant hybrids.
5. Pet dealer means any person that, in the ordinary course of business, engages in the sale to the public of more than two litters, or 20 dogs or cats, regardless of number per year, whichever is greater. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.
6. Pet shop means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.
7. Public animal shelter means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity.
8. Sale means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

(b) Permitted Sources. After December 31, 2014, pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:

1. An animal rescue organization, as defined in this section, or
2. A public animal shelter, as defined in this section.

(c) Certificate of Source. A pet dealer or pet shop that obtains dogs or cats from a permitted source shall post conspicuously on the cage of each dog and cat:

1. Copy of a notarized affidavit of verification from the source from which the dog or cat was obtained. A copy of the certificate of source shall also be provided to the purchaser or transferee of any dog or cat.
2. The name and address of the source from which the dog or cat was obtained and date thereof.

3. A description of the dog or cat including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known), and
4. For each dog or cat receiving medical care while in the custody or control of the pet dealer or pet shop, the type of service rendered, date, and veterinarian's name.

(d) Penalties. Any person who violates this section shall be subject to a fine of \$250.00 per day per dog or cat for the first violation within a 12 month period, and a fine of \$500.00 per day per animal for any subsequent violation within a 12 month period. The Miami Beach Police Department shall enforce the provisions set forth within this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the 1st day of January, 2015.

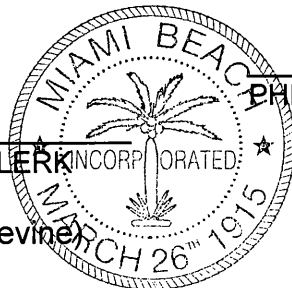
PASSED and ADOPTED this 21 day of May, 2014

ATTEST:



RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Mayor Philip Levine)




PHILIP LEVINE, MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Underline denotes additions
~~Strike through~~ denotes deletions


City Attorney

5-8-14
Date