

**SECOND READING FOR ADOPTION 11/03/2015**

**ORDINANCE NO. 2015/**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 10-2 PROVIDING FOR DEFINITIONS RELATING TO THE SALE OF DOGS AND CATS; CREATING A NEW SECTION 10-19 RELATING TO THE SALE OF DOGS AND CATS, PROVIDING FOR REGULATIONS, PROHIBITIONS, EXEMPTIONS AND AMORTIZATION; CONTAINING A SEVERABILITY CLAUSE, A PROVISION FOR INCLUSION IN THE CITY CODE; PROVIDING A SEVERABILITY CLAUSE**

**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**, 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 inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” the City Commission 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 leading to “impulse” purchases of animals; 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 the animals once they have outgrown their initial puppy or kitten appeal and will also encourage pet consumers to adopt dogs and cats from shelters where proposed owners are screened for their suitability with respect to the animal, thus reducing the

likelihood that the animal will be mistreated or abandoned and 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 DEERFIELD BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above referenced "Whereas" clauses are true and correct and made a part hereof.

**SECTION 2.** Section 10-2 Definitions of the City of Deerfield Beach Code of Ordinances is hereby amended to read as follows:

**Sec. 10-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 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.

SECTION 3. Section 10-19 Retail Sale of Dogs and Cats, of the City of Deerfield Beach Code of Ordinances is hereby created to read as follows:

**Sec. 10-19. Retail sales of dogs and cats.**

- (a) 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 section.
- (b) Exemptions. This section does not to apply to:
- (1) An animal shelter.
  - (2) An animal rescue organization.
  - (3) An animal shelter or animal rescue organization that operates out of or in connection with a pet store.
- (c) Certificate of source.
- (1) A pet store shall post and maintain in a conspicuous place, on or within three (3) feet of each animals' 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.
- (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) Amortization. Pet stores that possess an active City local business tax receipt on the adoption date of this ordinance shall be permitted to continue its sales of dogs and cats

even if it is not in compliance with this section for a period of time not to exceed six months from the date of adoption of the ordinance creating this section.

- (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 2, Article VI of the City of Deerfield Beach Code of Ordinances.

**SECTION 4.** It is the intention of the City Commission 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 Deerfield Beach, and that the sections of this ordinance may be renumbered to accomplish such intent.

**SECTION 5.** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

**SECTION 6.** This ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED 1ST READING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

PASSED 2ND READING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

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JEAN M. ROBB, MAYOR

ATTEST:

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SAMANTHA GILLYARD, CMC, CITY CLERK

DEERFIELD/ORDINANCES/Retail Sale Dogs & Cats 10/13/2015