

Temp. Ord. No. 1646
06/23/16
08/09/16

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES AT CHAPTER 6 ENTITLED "ANIMALS", TO CREATE SECTION 6-14 "SALE OR TRANSFER OF DOGS AND/OR CATS"; AMENDING SECTION 6-1 "DEFINITIONS"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the Humane Society of the United States, every year, hundreds of thousands of dogs and cats are housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories,” mass producing animals for sale to the public, many of which are sold in pet stores; and

WHEREAS, because of the lack of proper animal husbandry practices at many of these facilities, animals born and raised there are more likely to suffer from health (including genetic), social and/or temperament problems that sometimes result in costly treatment or even death, while the breeding animals there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the products 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 and the sale of dogs and cats in pet stores; and

Ord. No. _____

Temp. Ord. No. 1646
06/23/16
08/09/16

WHEREAS, the City Commission believes that prohibiting 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 Manager recommends amending the City Code, Chapter 6 entitled "Animals" to add a provision consistent with the intent expressed herein; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend Chapter 6 of the City Code entitled "Animals", to add a provision to protect the safety of the public and provide for the welfare of animals, particularly dogs and cats.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:

Section 1: The foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That section 6-1 of the Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 6-1. Definitions.

For the purpose of this chapter of the ~~code Code~~, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon means to forsake an animal in a street, road, public or private place without providing for the care, sustenance, protection, and shelter of such animal.

Animal means every living nonhuman creature.

Temp. Ord. No. 1646
06/23/16
08/09/16

Animal rescue organization means a duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals and which does not breed animals.

Animal shelter means a municipal, county, or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned, injured, or surrendered animals, and which does not breed animals.

At large means an animal not on the owner's property and not under restraint or the direct control, custody, charge or possession of the owner or other responsible person.

Cat means an animal of the Felidae family of the order Carnivora.

Certificate of source means a document from the source, an animal shelter, or an animal rescue organization, declaring the source of origin of the dog or cat sold or transferred or offered for sale or transfer. A certificate of source shall include at a minimum: (i) a brief description of the dog or cat, the name, address, telephone number, and e-mail address of the original source of the dog or cat; (ii) shall be signed by both the pet store operator certifying the accuracy of the certificate; and (iii) shall be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate.

Civil citation means a civil violation citation issued to a violator that requires an appearance before the county court rather than the special master magistrate.

* * *

Dog means an animal of the Canidae family of the order Carnivora. ~~refers to both male and female canines.~~

* * *

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 who owns or operates a pet store.

* * *

Temp. Ord. No. 1646
06/23/16
08/09/16

Summons to appear means a hearing notice issued to an alleged violator, in accordance with the provisions of section 2-330 et seq. of the city code of ordinances (community standards and code enforcement), advising the alleged violator of a hearing before the special ~~master~~ magistrate concerning a violation.

* * *

Section 3: That the Code of The City of Miramar, Florida, is hereby amended by adding a section to be numbered 6-14, which said section reads as follows:

Sec. 6-14. Sale or transfer of dogs and/or 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, except for dogs or cats that were:

- (1) Bred and reared on property owned by and zoned for the person or pet store;
- (2) Obtained from an animal shelter;
- (3) Obtained from an animal rescue organization; or
- (4) Obtained from an animal shelter or animal rescue organization that operates out of or in connection with a pet store.

(b) Certificate of source. A pet store shall post and maintain, on or within three feet of each dog's or cat's kennel, cage or enclosure, a certificate of source for each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred.

(c) Violations - Enforcement.

- (1) Any person who violates this section shall be subject to the penalties set forth in sections 2-339 and 2-343 of the city code of

Temp. Ord. No. 1646
06/23/16
08/09/16

ordinances, or by any other applicable enforcement procedure available by city ordinance or state law.

(2) Additionally, the city may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.

(3) In addition to any other penalty, a pet store operator who is found to have falsified a certificate of source shall pay \$2,500 in damages to each recipient of such falsified certificate.

Section 4: Each and every section and subsection of Chapter 6 of the City of Miramar Code of Ordinances not revised herein shall remain in full force and effect as previously adopted.

Section 5: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 7: It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of

Temp. Ord. No. 1646
06/23/16
08/09/16

the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8: The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

Temp. Ord. No. 1646
06/23/16
08/09/16

Section 9: This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved this ORDINANCE as to form:

City Attorney
Weiss Serota Helfman
Cole & Bierman, P.L.

<u>Sponsored by Comm. Colbourne</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Vice Mayor Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Commissioner Darline B. Riggs	_____
Mayor Wayne M. Messam	_____

Ord. No. _____

7