

ORDINANCE NO. _____

An Ordinance amending Chapter 5, Article 1, of the City of South Miami's Code of Ordinances by adding Section 5-7, "Retail Sale of Cats and Dogs".

WHEREAS, "puppy mills" or "kitten factories," ("Facilities") are substandard breeding facilities that mass-produce animals for sale to the public; and

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 these Facilities; 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 to lack adequate socialization. In addition, animals bred in these Facilities 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 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), the restriction will also encourage pet consumers to adopt dogs and cats from shelters where purchasers will be screened for their suitability with respect to the animal, thus reducing the likelihood that the animal will be mistreated or abandoned. This will in turn save animals' lives and reduce the cost to the public of sheltering animals.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. CHAPTER 5, ARTICLE 1, is hereby amended to read as follows:

Chapter 5 – ANIMALS AND FOWL

ARTICLE I. – IN GENERAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Sec. 5-7 – Retail Sale of Dogs and Cats - Definitions

For the purpose of this ordinance the terms hereinafter set forth shall be defined as follows:

1. "Animal shelter" means a public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
2. "Cat" means an animal of the Felidae family of the order Carnivora.
3. "Certificate of source" means a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.
4. "Dog" means an animal of the Canidae family of the order Carnivora.
5. "Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City on the effective date of this article and complied with all applicable provisions of the Code of Ordinances.
6. "Pet store" means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.
7. "Pet store operator" means a person who owns or operates a pet store, or both.
8. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any cat or dog.

Sec. 5-7.1 - Prohibition.

No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of this section.

Sec. 5-7.2 – Existing Pet Stores.

An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs until

Sec. 5-7.3 – Exemptions.

This article shall not apply to:

1. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit humane society or animal rescue organization; or
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.

Sec. 5-7.4 – 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.

Sec. 5-7.5 – Adoption of Shelter and Rescue Animals.

Nothing in this article shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

Sec. 5-7.6 – Violations.

A violation of this section for which a citation is issued is a civil infraction subject to the enforcement procedures set forth in Sec.1-8 of the City of South Miami Code of Ordinances.

Section 2. Codification. The provisions of this ordinance shall become and be made part of the Land Development Code of the City of South Miami as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 3. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Ordinances in Conflict. All ordinances or parts of ordinances and all sections and parts of sections of ordinances in direct conflict herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall become effective upon enactment.

PASSED AND ENACTED this ____ day of _____, 2015.

ATTEST:

APPROVED:

 CITY CLERK
 1st Reading
 2nd Reading

 MAYOR

READ AND APPROVED AS TO FORM,
 LANGUAGE, LEGALITY AND
 EXECUTION THEREOF:

COMMISSION VOTE:
 Mayor Stoddard:
 Vice Mayor Harris:
 Commissioner Edmond:
 Commissioner Liebman:
 Commissioner Welsh:

 CITY ATTORNEY