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3 **ORDINANCE NO. 2017-XXX**

4 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF**  
5 **OAKLAND PARK, FLORIDA, AMENDING ARTICLE I WITHIN CHAPTER 4**  
6 **OF THE CITY’S CODE OF ORDINANCES ENTITLED “GENERAL”,**  
7 **PROVIDING FOR DEFINITIONS RELATING TO THE SALE OF DOGS AND**  
8 **CATS; CREATING A NEW SECTION 4.10 RELATING TO THE SALE OF**  
9 **DOGS AND CATS, PROVIDING FOR REGULATIONS, EXEMPTIONS AND**  
10 **AMORTIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
11 **CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN**  
12 **EFFECTIVE DATE.**

13 **WHEREAS**, according to the Humane Society of the United States, hundreds  
14 of thousands of dogs and cats in the United States have been housed and bred at  
15 substandard breeding facilities known as “puppy mills” or “kitten factories,”  
16 (“Facilities”) that mass-produce animals for sale to the public; and

17  
18 **WHEREAS**, because of the lack of proper animal husbandry practices at these  
19 facilities, animals born and raised there are more likely to have genetic disorders and  
20 lack adequate socialization, and breeding animals utilized there are subject to inhumane  
21 housing conditions and are indiscriminately disposed of when they reach the end of  
22 their profitable breeding cycle; and

23  
24 **WHEREAS**, many animals produced in these facilities are purchased by retail  
25 pet stores for sale to the public; and

26  
27 **WHEREAS**, while not all dogs and cats sold in retail pet stores are the product  
28 of inhumane breeding conditions and not every commercial breeder selling dogs or cats  
29 to pet stores operates “puppy mills” or “kitten factories,” the City Commission believes  
30 that puppy mills and kitten factories continue to exist in part because of public demand  
31 fueled by the availability of dogs and cats in pet stores leading to “impulse” purchases  
32 of animals; and

33  
34 **WHEREAS**, the City Commission believes that restricting the retail sale of  
35 dogs and cats in the City will promote community awareness of animal welfare and, in  
36 turn, will foster a more humane environment in the City; and

37  
38 **WHEREAS**, the City Commission believes that the restriction of the retail sale  
39 of dogs and cats in pet stores in the City will reduce impulse purchases of pets, which  
40 can lead to abandonment or mistreatment of the animals once they have outgrown their  
41 initial puppy or kitten appeal and will also encourage pet consumers to adopt dogs and  
42 cats from shelters where proposed owners are screened for their suitability with respect  
43 to the animal, thus reducing the likelihood that the animal will be mistreated or

1 abandoned and thereby saving animals’ lives and reducing the cost to the public of  
2 sheltering animals; and  
3

4 **WHEREAS**, the City Commission of the City of Oakland Park has determined  
5 that it is in the best interests of the City’s residents to adopt this ordinance.  
6

7 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**  
8 **THE CITY OF OAKLAND PARK, FLORIDA, AS FOLLOWS:**

9 **SECTION 1.** The above referenced “Whereas” clauses are true and correct and made a  
10 part hereof.  
11

12 **SECTION 2.** Chapter 4 of the City’s Code of Ordinances, entitled “Animals and  
13 Fowl” is hereby amended to create Section 4.10 entitled “Retail Sale of Dogs and  
14 Cats,” as follows:  
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16 **Section 4.10. Retail sales of dogs and cats.**  
17

18 **4.10 (a) Definitions.**

19 The following words, terms and phrases, when used in this chapter, shall have the  
20 meanings ascribed to them in this section, except where the context clearly indicates a  
21 different meaning:  
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23 (1) Animal rescue organization means a humane society or other duly  
24 incorporated nonprofit organization registered with the Florida Department of State  
25 and operated as a bona fide charitable organization under Section 501(c) 3 of the  
26 Internal Revenue Code, which organization is devoted to the rescue, care and/or  
27 adoption of stray, abandoned or surrendered animals and which does not breed  
28 animals.  
29

30 (2) Animal Shelter means a public animal shelter or duly incorporated nonprofit  
31 organization registered with the Florida Department of State and operated as a bona  
32 fide charitable organization under Section 501(c) 3 of the Internal Revenue Code  
33 devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals,  
34 and which does not breed animals.  
35

36 (3) Cat means an animal of any age of the Felidae family of the order  
37 Carnivora.  
38

39 (4) Certificate of source means a document from a public animal shelter or  
40 animal control agency, animal humane society or non-profit animal rescue organization  
41 declaring the source of the dog or cat on the premises to be sold or transferred or  
42 offered for sale or transfer by the pet store. A Certificate of Source shall include at a  
43 minimum: (a) a brief description of the dog or cat, the name, address, telephone  
44 number, and e-mail address of the source of the dog or cat; (b) shall be signed by the

1 pet store certifying the accuracy of the certificate; and (c) shall be signed by the  
2 purchaser or transferee of the dog or cat acknowledging receipt of the Certificate of  
3 Source.

4  
5 (5) Dog means an animal of any age of the Canidae family of the Carnivora.

6  
7 (6) Pet store means any retail establishment open to the public that sells or  
8 transfers, or offers for sale or transfer, dogs and/or cats, regardless of the age of the dog  
9 or cat.

10  
11 (7) Pet store operator means a person who owns or operates a pet store.

12  
13 **4.10** **(b) No pet store shall display, sell, trade, deliver, barter, lease, rent,**  
14 **auction, give away, transfer, offer for sale or transfer, or otherwise dispose of**  
15 **dogs or cats in the City on or after the effective date of this section.**

16  
17 **4.10** **(c) Exemptions. This section does not to apply to:**

18  
19 **(1) A publicly operated animal control facility or animal shelter.**

20  
21 **(2) An animal rescue organization.**

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23 **(3) A publicly operated animal control agency, nonprofit humane society, or**  
24 **nonprofit**  
25 **animal rescue organization that operates out of or in connection with a pet store**

26  
27 **4.10** **(d) Certificate of source**

28  
29 **(1) A pet store shall post and maintain in a conspicuous place, on or within three**  
30 **(3) feet of each animals' kennel, cage or enclosure, a Certificate of Source for**  
31 **each dog or cat offered for sale or transfer, and the pet store shall provide a**  
32 **copy of such Certificate of Source to the purchaser or transferee of any dog or**  
33 **cat sold or transferred.**

34  
35 **(2) Any law enforcement officer or employee of a county animal shelter may, at**  
36 **anytime, request to review copies of such certificates and, upon such request,**  
37 **the pet store operator must present such certificates at that time and without**  
38 **delay.**

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40 **(3) Falsification of a Certificate of Source by a pet store, pet store operator, or any**  
41 **other person shall be deemed a violation of this section.**

42  
43 **4.10** **(e) Adoption of shelter and rescue animals. Nothing in this**  
44 **section shall prevent a pet store or its owner, operator, or employees, from**

1           providing space and appropriate care for animals owned by a publicly operated  
2           animal control agency, nonprofit humane society, or nonprofit animal rescue  
3           agency and maintained at the pet store for the purpose of adopting those  
4           animals to the public.

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6           **4.10**       **(f) Amortization.** Pet stores that possess an active City local  
7           business tax receipt on the adoption date of this ordinance shall be permitted to  
8           continue its sales of dogs and cats even if it is not in compliance with this  
9           section for a period of time not to exceed ~~six (6)~~three (3) months from the date  
10          of adoption of the ordinance creating this section.

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12          **4.10**       **(g) Violations.** A violation of this Section for which a citation is  
13          issued is a civil infraction subject to the enforcement procedures set forth in  
14          Section 24-234 of the City's Code of Ordinances.

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16          **SECTION 3.** Conflicting Ordinances. All prior ordinances or resolutions or parts  
17          thereof in conflict herewith are to the extent of said conflict, hereby determined to be of  
18          no force and effect during the time period of the moratorium.

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20          **SECTION 4.** If any clause, section or other part of this Ordinance shall be  
21          held by any Court of competent jurisdiction to be unconstitutional or invalid, such  
22          unconstitutional or invalid part shall be considered as eliminated and in no way  
23          affecting the validity of the other provisions of this Ordinance.

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25          **SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are  
26          hereby repealed to the extent of such conflicts.

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28          **SECTION 6.** It is the intention of the City Commission of the City of Oakland  
29          Park, that the provisions of this Ordinance shall become and be made a part of the  
30          Code of Ordinances of the City of Oakland Park, Florida, and the Sections of this  
31          ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed  
32          to "Section," "Article," or such other word or phrase in order to accomplish such  
33          intention.

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35          **SECTION 7.** This Ordinance shall be effective upon its passage and adoption  
36          by the City Commission of the City of Oakland Park.

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**PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,  
FLORIDA, ON FIRST READING, THIS 15<sup>TH</sup>, DAY OF NOVEMBER, 2017.**

S. GUEVREKIAN	<u>YES</u>
M. SPARKS	<u>YES</u>
M. CARN	<u>YES</u>
J. ADORNATO	<u>YES</u>
T. LONERGAN	<u>YES</u>

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 6<sup>TH</sup>, DAY OF  
DECEMBER, 2017.**

CITY OF OAKLAND PARK, FLORIDA

\_\_\_\_\_  
MAYOR TIM LONERGAN

S. GUEVREKIAN	_____
M. SPARKS	_____
M. CARN	_____
J. ADORNATO	_____
T. LONERGAN	_____

ATTEST:

\_\_\_\_\_  
RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:  
I hereby certify that I have approved the form of this Ordinance (O-2017-XXX):

\_\_\_\_\_  
DONALD J. DOODY, CITY ATTORNEY