

ORDINANCE NO. 2014-001

AN ORDINANCE OF THE CITY OF COCONUT CREEK,
FLORIDA, AMENDING CHAPTER 5, CODE OF
ORDINANCES ENTITLED "ANIMALS," BY CREATING A
NEW SECTION 5-12 ENTITLED "RETAIL SALE OF DOGS
AND CATS;" PROVIDING FOR CONFLICT; PROVIDING
FOR CODIFICATION; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That Chapter 5, Code of Ordinances, entitled "Animals" is hereby amended to create Section 5-12, "Retail Sale of Dogs and Cats," as follows:

Sec. 5-12. Retail Sale of Dogs and Cats.

(1) *Definitions.* For purposes of this section, the following definitions shall apply:

Animal rescue organization means humane society or other duly incorporated nonprofit organization registered with the Florida Department of State and 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 municipal or related public animal shelter or duly incorporated nonprofit organization 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 Felidae family of the order Carnivora.

Certificate of source means a document declaring the source of origin of a dog or cat sold or transferred or offered for sale or transfer. A certificate of source shall include the name and address of the original source of the dog or cat and license information of the original source breeder evidencing that the original source breeder is licensed by the United States Department of Agriculture and shall be signed by both the pet store certifying the accuracy of the certificate and by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate.

Dog means an animal of any age of the Canidae family of the Carnivora.

Hobby Breeder means any person or entity that causes or allows the breeding or studding of a dog or cat resulting in no more than a total of one litter per adult animal per calendar year whether or not the animals in such litter are offered for sale or other transfer.

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.

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Pet store operator means a person who owns or operates a pet store.

(2) Sale or transfer of dogs and/or cats. 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 of Coconut Creek on or after the effective date of this Ordinance.

(3) Exemptions. This section does not apply to:

(a) A Hobby Breeder as defined herein.

(b) A person or pet store that sells, delivers, offers for sale, trades, barter, leases, rents, auctions, gives away, or otherwise transfers or disposes of dogs and/or cats that were bred and reared on property zoned for such purpose within the City of Coconut Creek and owned by such person or pet store.

(c) An animal shelter.

(d) An animal rescue organization.

(e) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.

(4) Certificate of Source. A pet store shall post and maintain in a conspicuous place, on or within three (3) feet of each dog's or cat's kennel, cage or enclosure, a certificate of source of 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.

Section 2: All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

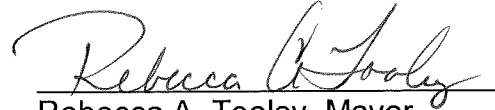
Section 3: It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to accomplish such intentions.

Section 4: In the event that 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.

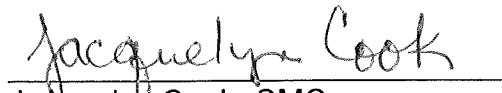
Section 5: This Ordinance shall become effective immediately upon passage by the City Commission on second reading.

PASSED FIRST READING THIS 9th DAY OF January, 2014.

PASSED SECOND READING THIS 23rd DAY OF January, 2014.


Rebecca A. Tooley, Mayor

Attest:


Jacquelyn Cook, CMC
Acting City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Aronson	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

WSS:jw

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