

ORDINANCE NO. 2014-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 5, ENTITLED “ANIMALS AND FOWL” OF THE CITY CODE OF ORDINANCES OF THE CITY OF DANIA BEACH, BY CREATING SECTION 5-14, TO BE ENTITLED “RETAIL SALE OF DOGS AND CATS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats, which laws include the Animal Welfare Act (“AWA”)(7 U.S.C. Section 2131 et seq.); and

WHEREAS, the AWA requires, among other things, the licensing of certain breeders of dogs and cats and specifies that such breeders must maintain minimum health, safety and welfare standards for animals in their care with enforcement of these requirements by the United States Department of Agriculture (“USDA”); and

WHEREAS, according to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases, genetic disorders or both that present themselves immediately or soon after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

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” and “kitten factories”, which mass-produce animals for sale to the public, and many of these animals are sold at retail in pet stores; and

WHEREAS, according to USDA inspection reports, documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, from April 2011 to April 2012, 10,821 dogs and cats were euthanized at Broward County animal shelters; and

WHEREAS, on April 3, 2012, the Board of County Commissioners of Broward County unanimously approved Broward County Resolution No. 2012-271, with the goal of becoming a “no-kill” community; and

WHEREAS, while there has been a reduction of euthanized animals since Broward County embraced a “no-kill” goal, 11,900 dogs and cats have still been euthanized at its animal shelters; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, while the City Commission recognizes that not all dogs and cats retained in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as the operator of a “puppy mill” or “kitten factory”, it is the belief of the City Commission that puppy mills and kitten factories continue to exist in part because of public demand for dogs and cats offered for sale in pet stores; and

WHEREAS, the City Commission believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment as well as encourage consumers to adopt dogs and cats from shelters, 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 DANIA BEACH, FLORIDA:

Section 1. That the foregoing “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That Chapter 5 entitled “Animals and Fowl” of the City’s Code of Ordinances is amended by creating a new Section 5-14, to read as follows:

Sec. 5-14. Retail Sale of Dogs and Cats.

(a) Definitions. For purposes in this Section, the following definitions shall apply:

- (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, which does not breed animals.
 - (2) “Cat” means an animal of the Felidae family of the order Carnivora.
 - (3) “Dog” means an animal of the Canidae family of the order Carnivora.
 - (4) “Pet store” means a pet shop, dog beauty parlor, dog or pet hospital or other retail establishment open to the public and engaging in the business of selling or offering for sale pet supplies, or services, or dogs or cats or any combination of dogs and cats at retail.
 - (5) “Pet store operator” means a person who or entity that owns a pet store or operates a pet store, or both.
 - (6) “Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any dog or cat.
- (b) Prohibition. No pet store shall display, sell, deliver, offer for retail sale, barter, auction, give away, or otherwise transfer or dispose of dogs, cats or both in the City on or after the effective date of this Ordinance.
- (c) Exemptions. This Section shall not apply to:
- (1) A person who or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only dogs, cats or both that were bred and reared on the premises of the person or establishment, which premises are not retail in nature;
 - (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.

(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 dogs, cats or both, 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 providing those animals to the public for adoption.

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

Section 4. That all ordinances or part of ordinances or all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED on first reading on _____, 2014.

PASSED AND ADOPTED on second reading on _____, 2014.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

WALTER B. DUKE, III
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY