

## **ORDINANCE NO. 2013-11**

### **AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 16, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS", BY CREATING A NEW ARTICLE ENTITLED "RETAIL SALE OF DOGS AND CATS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR EFFECTIVE DATE.**

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

WHEREAS, the Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats and that these breeders 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 the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately 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" or "kitten factories," that 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, some additional 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, while “puppy mill” puppies and “kitten factory” kittens are being sold in pet stores, many dogs and cats are euthanized by Miami-Dade County’s Animal Control Services; 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 Village Council 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 a “puppy mill” or “kitten factory,” it is the Village Council’s belief 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

WHEREAS, the Village Council believes that eliminating the retail sale of dogs and cats in pet stores in the Village will promote community awareness of animal welfare and, in turn, will foster a more humane environment as well as encourage pet 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 VILLAGE OF PINECREST, FLORIDA:

Section 1. The forgoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby rendered a specific part of this Ordinance upon adoption and shall serve as its legislative history.

Section 2. That Chapter 16 of the Village’s Code of Ordinances is hereby amended as follows<sup>1</sup>:

Article VII.      Retail Sale of Dogs and Cats

Sec. 16-60.      Definitions. For purposes of this article, the following definitions shall apply:

1.      “Animal shelter” means a public animal shelter or duly incorporated nonprofit organization devoted to the rescue,

---

<sup>1</sup> Underlined text has been added. ~~Strike-through~~ text has been deleted.

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 Village 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. 60-61. 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 Village on or after the effective date of this article.

Sec. 60-62. 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 December 31, 2013.

Sec. 60-63. 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. 60-64. 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.

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.


Section 3. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or

re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 11th day of September, 2013.


PASSED AND ADOPTED on second reading this 8th day of October, 2013.

  
Cindy Lerner, Mayor

Attest:

  
\_\_\_\_\_  
Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
Village Attorney



Motion on Second Reading by:  
Second on Second Reading by:

Councilmember Corradino  
Councilmember Ross

Vote:

Councilmembers Corradino, McDonald, Ross, Vice Mayor Cutler, and Mayor Lerner voting Yes