

ORDINANCE NO. 2016-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING CHAPTER 4 OF THE SAFETY HARBOR CITY CODE TO PROHIBIT RETAIL SALE OF CATS AND DOGS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to studies performed by 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—many times through retail pet stores; and

WHEREAS, despite existing federal regulation, USDA inspection reports document the following problems at puppy mills and kitten factories: sanitation problems leading to infectious disease, large numbers of animals overcrowded in cages, lack of proper veterinary care for severe illnesses and injuries, lack of protection from harsh weather conditions, and lack of adequate food and water; and

WHEREAS, while the City Commission recognizes that not all dogs and cats sold in pet stores are products of inhumane breeding conditions, puppy mills and kitten factories continue to exist in part due to the supply and demand of cats and dogs offered for retail sale at pet stores; and

WHEREAS, numerous alternatives exist for the public to acquire cats and dogs as pets, including adoption, rescue, and purchase from reputable and conscientious breeders; and

WHEREAS, the City Commission finds that it is in the interest of public health, safety, and welfare to prohibit the retail sale of cats and dogs within the City and thereby promote community awareness of the plight and mistreatment of animals in puppy mills and kitten factories, foster a more humane environment, and encourage consumers to adopt cats and dogs from shelters and rescue organizations, resulting in reduction of public resources used for sheltering abandoned or surrendered animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are incorporated as the legislative findings of the City Commission.

SECTION 2. Chapter 4 of the Safety Harbor City Code, “Animals” is hereby amended to add the following new section immediately following existing Section 4.08:

Sec. 4.09 – Retail Sale of Cats and Dogs

(a) **Prohibited Sales.** No retail establishment shall display, sell, barter, or offer for sale any cat or dog within the City. For purposes of this section, “retail establishment” shall have the same meaning as “retail sales” establishment defined in section 271.00 of the Safety Harbor Comprehensive Zoning and Land Development Code.

(b) **Exemptions.** The following organizations are exempt from the prohibitions of this section:

- i. Publicly operated animal shelters or publicly operated animal control facilities;
- ii. Duly incorporated nonprofit organizations operated for the purpose of rescuing and securing adoptions for stray, abandoned, or surrendered animals, and which do not breed animals;
- iii. A retail establishment providing space for adoption of cats or dogs from either organizations described in subsection (b)(i) or (b)(ii) above; and/or
- iv. A person or entity that causes or allows the home breeding or studing of a cat or dog resulting in no more than two (2) litters per adult animal per calendar year, provided such activity is not conducted from a retail establishment.

SECTION 3. This Ordinance shall be codified and made part of the Safety Harbor City Code and all existing sections numbers in Chapter 4 of the Safety Harbor City Code, together with any cross-references thereto, may be renumbered to accomplish such codification.

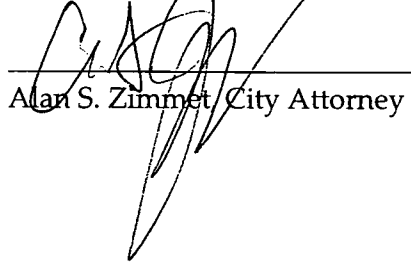
SECTION 4. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 5. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING OCTOBER 17, 2016.

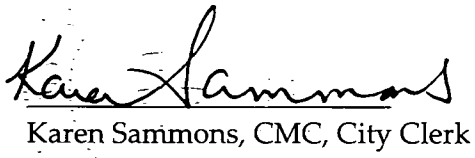
PASSED AND ADOPTED ON SECOND AND FINAL READING NOVEMBER 7, 2016.

APPROVED AS TO FORM:



Alan S. Zimmet, City Attorney

ATTEST:



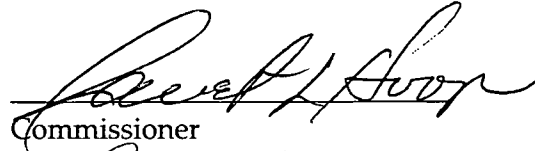
Karen Sammons, CMC, City Clerk



Mayor - Commissioner



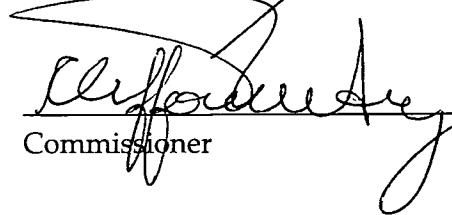
Vice Mayor - Commissioner



Commissioner



Commissioner



Commissioner