

**ORDINANCE NO. 150-04-110**

**AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE CITY CODE OF ORDINANCES CHAPTER 4, ANIMALS AND FOWL, ARTICLE III, PET SHOPS AND COMMERCIAL KENNELS; AMENDING THE REGULATIONS GOVERNING THE SALE OF DOGS AND CATS; AMENDING SECTION 4-31, DEFINITIONS; AMENDING SECTION 4-41, PET SHOPS; CREATING SECTION 4-41.5, CERTIFICATE OF SOURCE OF DOGS AND CATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE (CO-SPONSORED BY COMMISSIONER HAYWARD J. BENSON, JR. AND COMMISSIONER HOWARD BERGER)**

WHEREAS, the humane treatment of animals is an important public purpose; and

WHEREAS, "puppy mills" are inhumane and unsanitary breeding facilities for dogs in which parent dogs are kept in cages for majority of their lives, breeding litter after litter of puppies; and

WHEREAS, according to United States Department of Agriculture 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, the Humane Society of the United States estimates that, each year, two to four million puppies are born in the United States in puppy mills; and

WHEREAS, kittens are also inhumanely bred and housed in similarly cruel mills or "kitten factories"; and

WHEREAS, the most effective way to stop puppy and kitten mills is to discourage the purchase and sale of puppies and kittens produced at these inhumane facilities; and

WHEREAS, according to the Humane Society of the United States, most pet store dogs and cats come from puppy mills and kitten mills, and although American consumers purchase dogs and cats from pet stores

believing the pets to be healthy and genetically sound, in reality, the animals that come from mills often face an array of health problems, including not only communicable diseases or genetic disorders that present immediately after sale but also diseases or disorders that do not surface until several years later, all of which lead to costly veterinary bills and financial and emotional distress to consumers; and

WHEREAS, numerous alternatives exist for people to find pets, including adoption of animals from the City's own Animal Shelter or other public shelters; or adoption from humane societies or other animal rescue organizations; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations will likely reduce pet overpopulation and thus the burden on town agencies and financial costs on town taxpayers;

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

WHEREAS, this Board believes that adopting this ordinance will promote animal welfare, foster a more humane environment, and 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 CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified as true and correct and are incorporated herein by this reference.

SECTION 2: Legislative Intent. The City Commission of Lauderdale, Florida, hereby declares and finds that puppy mills and kitten factories are inhumane breeding facilities, with documented and widespread instances of: unsanitary conditions leading to infectious diseases; overcrowding in cages of large numbers of animals; a consistent lack of proper veterinary care for severe illnesses and injuries; a consistent lack of protection from

harsh weather conditions; and a consistent lack of adequate food and water. The Board further declares and finds that animals from mills often face an array of communicable diseases, genetic disorders, and other health problems that may present immediately after sale or not until several years later, and that lead to costly veterinary bills and distress to consumers. The Board further finds that most pet store dogs and cats come from puppy mills and kitten mills, and the most effective way to stop puppy mills and kitten factories is to discourage the purchase and sale of puppies and kittens produced at these inhumane facilities. In addition, the town has a pet overpopulation problem that results in many dogs and cats being abandoned at the town's Animal Shelter, and it is the policy of this Board to encourage the adoption of abandoned pets rather than adding new pets to the local population. For these reasons, the Board finds that it is reasonable and necessary to restrict the sale of dogs and cats to protect the health, safety, and welfare of both animals and pet owners.

SECTION 3. That the City of Lauderhill Code of Ordinances, Section 4-31, Definitions, is hereby amended to read as follows:

**Definitions. Sec. 4-31. - Definitions.**

For the purposes of this article, the words and phrases herein listed shall be defined as follows:

Air supply: Air delivered to the conditioned space and used for ventilation, heating, cooling, humidification or dehumidification.

Animal Rescue Organization: means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit organization devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code.

Animals: Every living dumb creature, every species of animal and shall include, fowls, birds, turtles and rodents. It shall include, for the purpose of defining a pet shop or commercial kennel, any living creatures sold or exchanged as a commercial item.

Breeding: The harboring of three (3) or more male dogs or cats used for stud for which a fee is charged and/or the harboring of three (3) or more female dogs or cats bearing two (2) or more litters of offspring

during any twelve-month period shall be prima facie evidence that such animal is harbored for the purpose of breeding.

**Cages:** Any enclosure of limited space enclosed on the bottom and on all four (4) sides by either solid walls or otherwise in which animals or other creatures are placed for purposes of confinement or display.

**Cat:** means an animal of any age of the Felis catus.

**Commercial enterprise:** Any establishment, the primary function of which is the sale of any product or commodity.

**Commercial kennel:** Any animal boarding place or other establishment for the breeding, boarding, grooming, sale or training of dogs and/or cats at which more than three (3) animals are maintained at any one (1) time provided that kennels or animal hospitals maintained by a licensed veterinarian as part of the practice of veterinary medicine and animal hospitals maintained by a licensed veterinarian as part of the practice of veterinary medicine and animal hospitals maintained primarily for the treatment of animals shall not be considered commercial kennels; provided that any use of such facility for breeding, boarding, grooming, sale or training of animals is secondary and subordinate to the primary use of such facility for the treatment of animals.

**Dog:** means an animal of any age of the Canis lupus familiaris or resultant hybrids.

**Exhaust air:** Air removed from a space and not reused therein.

**Healthful:** A condition, appropriate to the particular species of animal involved, which is hygienic and conducive to the maintenance of the animals' well-being and to the prevention of disease.

**Keeper:** Any individual, association or corporation or employee thereof maintaining any facility regulated by this chapter.

**Makeup air:** Outdoor air supplied to replace exhaust air and exfiltration.

**Outdoor air:** Air taken from the external atmosphere and, therefore, not previously circulated through the system.

**Pet dealers/Pet shop/Pet store:** Any establishment maintained separately or in connection with another commercial enterprise which

offers to sell any species of live animals with the intent that they be kept as pets.

Pet dealer/Pet shop/Pet store operator: means a person who owns or operates a pet store.

Public view: Storefront or store window exposure of the animal and access to the animal by the public for handling.

Sale: means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

Sanitary: A condition of good order and cleanliness which precludes the probability of disease transmission.

SECTION 4. That the City of Lauderhill Code of Ordinances, Section 4-40, Commercial Kennels, is hereby deleted in its entirety.

~~• **Sec. 4-40. - Commercial kennels.**~~

~~(a)~~

~~Dogs harbored by a licensed pet shop for breeding purposes or sale may be taken under close supervision from the pet shop for exercise and returned to the pet shop in like manner, but no dog harbored at a licensed pet shop may otherwise be permitted to leave the establishment without wearing an individual dog licensed tag if such license is required under the provisions of this chapter.~~

~~(b)~~

~~The licensee shall operate a kennel so as to eliminate excessive or untimely noise from animals and offensive odors from the kennel.~~

~~(c)~~

~~The licensee shall provide an isolation ward for sick animals sufficiently removed so as not to endanger the health of other animals.~~

~~(d)~~

~~The licensee shall retain the name, address and telephone number of the owner of each boarded dog and the license number of each dog. This register must be exhibited to the code enforcement division upon demand, and this record shall be retained for a period of one (1) year from the time that the animal is boarded.~~

~~(e)~~

~~The licensee shall retain name and address of each person selling, trading or giving any dog to a kennel, and this record shall be retained for a period of one (1) year from the time that the animal was sold, traded or given.~~

(f)

~~The licensee shall notify owner of boarded animal when the animal refuses to eat or drink causing it to lose flesh or when the animal is injured or becomes weak or ill.~~

~~(Ord. No. 90-186, § 1, 11-13-90)~~

#### **Sec. 4-40. Reserved.**

SECTION 5. That the City of Lauderdale Code of Ordinances, Section 4-41, is hereby amended to read as follows:

#### **Sec. 4-41. - Pet shops/pet dealers/pet stores.**

(a) No sick or injured animals shall be maintained on the premises, sold or offered for sale.

(b) Dogs and cats under the age of eight (8) weeks and animals which are unweaned or so young or weak that their sale would be injurious to them shall not be sold, offered for sale or given away. After April 27, 2015, pet dealers, pet shops and pet stores shall not 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, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:

(1) A County or City operated animal control agency which for purposes of this subsection means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity; or

(2) An animal rescue organization as defined above.

(c) Every person maintaining a pet shop shall cause a notice, framed and enclosed under glass, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night who will proceed immediately to the location so as to permit entry to all areas of the premises by the code enforcement division or sheriff's department, to be posted on the premises near the entrance, said notice

to be in such a position as to be legible at all times from the sidewalk or ground level adjacent the building.

SECTION 6. That the City of Lauderdale Code of Ordinances, Section 4-41.5, Certificate of Source, is hereby created to read as follows:

**Sec. 4-41.5. Certificate of Source.**

A retail pet store, pet shop or pet dealer that obtains dogs or cats from a permitted source shall post conspicuously on the cage of each dog and cat:

- (1) Copy of a notarized affidavit of verification from organization from which the dog or cat was obtained.
- (2) Name and address of the organization from which the dog or cat was obtained and date thereof.
- (3) Description of dog or cat including species, breed, sex, color and distinctive markings, physical condition and health and age (if known).
- (4) For each dog or cat receiving medical care while in the custody or control of the pet shop, the type of service rendered, date and veterinarian's name.

Section 7: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City's Code of Ordinances.

Section 8: That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, and the same are hereby repealed, to the extent of such conflict.

Section 9: That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 10: This Ordinance shall take effect immediately upon its passage.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BENSON	_____	_____
H. BERGER	_____	_____
K. THURSTON	_____	_____
R. KAPLAN	_____	_____