

CITY OF TAMARAC, FLORIDA
ORDINANCE NO. 2014 - 18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ANIMALS" BY CREATING ARTICLE III ENTITLED "RETAIL SALE OF DOGS AND CATS", TO PROVIDE FOR REGULATIONS ON THE RETAIL SALE OF DOGS AND CATS ORIGINATING FROM A PUPPY OR KITTEN MILL IN CONFORMITY WITH THE CITY OF TAMARAC COMPREHENSIVE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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," that mass-produce animals for sale to the public, many of which are sold at retail in pet stores; and

WHEREAS, because of the lack of proper animal husbandry practices at those facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while 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, while not all dogs and cats sold in retail pet stores are the products 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 and the sale of dogs and cats in pet stores; and

WHEREAS, the City Commission believes that prohibiting 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 prohibition of the retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals, and is in the best interest of the citizens and residents of the City of Tamarac.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 4, entitled "Animals" of the Code of Ordinances of the City of Tamarac, Florida, is amended to create Article III entitled "Retail Sale of Dogs and Cats" as follows:

Sec. 4-34. Definition.

For purposes of this section, the following definitions shall apply:

(a) *Animal Rescue Organization* means a duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals which does not breed animals.

(b) *Animal shelter* means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

(c) Cat means an animal of the Felidae family of the order Carnivora.

(d) Certificate of source means a document declaring the source of origin of the 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 if 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.

(e) Dog means an animal of the Canidae family of the Carnivora.

(f) Hobby Breeder means any person or entity that causes or allows the breeding or studing 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.

(g) Pet store means any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs and/or cats, including puppies and kittens, regardless of the age of the dog or cat.

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

(i) Puppy or kitten mill means a facility where dogs and cats are bred for the purpose of selling them and where any two of the following conditions are found to exist:

- (1) More than 20 puppies (under the age of 12 weeks) or more than 20 kittens (under the age of 16 weeks) are kept at a single time;
- (2) No genetic (heredity) health testing appropriate for the breed is conducted;
- (3) No long-term care (over one year) guarantees are offered;
- (4) A single female is bred every cycle;
- (5) A single female is bred more than five times;
- (6) There are no records of the dogs' or cats' parents;

(7) More than eight dogs or kittens are kept in a single enclosure.

Sec. 4-35. Puppy and kitten mills.

It shall be unlawful for any person or entity to establish, operate or maintain a puppy or kitten mill in the City of Tamarac.

Sec. 4-36. Sale or transfer of dogs and/or cats.

(a) 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 Tamarac.

Sec. 4-37. Exemptions.

This section does not apply to:

- (a) 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 within the City of Tamarac, owned by and zoned for the person or pet store, which premises are not retail in nature.
- (b) A Hobby Breeder as defined herein.
- (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.

Sec. 4-38. Certificate of Source.

A pet store shall post and maintain, 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.

Sec. 4-39. Enforcement.

(a) Any person who violates this section shall be subject to the penalties set forth in Section 2-73.08 of this Code of Ordinances.

(b) Additionally, the City may initiate a civil action in a court of competent

jurisdiction to enjoin any violation of this section.

SECTION 3. Codification. It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this Ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective upon adoption.

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Words in underlined type are additions.

PASSED, FIRST READING this 12th day of November, 2014.

PASSED, SECOND READING this 10 day of December, 2014.

BY: H. Dressler
MAYOR HARRY DRESSLER

ATTEST:

Patricia Teufel
PATRICIA TEUFEL, CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR DRESSLER	<u>yes</u>
DIST 1: COMM BUSHNELL	<u>yes</u>
DIST 2: V/M GOMEZ	<u>yes</u>
DIST 3: COMM. GLASSER	<u>yes</u>
DIST 4: COMM. PLACKO	<u>yes</u>

I HEREBY CERTIFY that
I have approved this
ORDINANCE as to form:

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR DRESSLER	<u>yes</u>
DIST 1: V/M BUSHNELL	<u>yes</u>
DIST 2: COMM. GOMEZ	<u>yes</u>
DIST 3: COMM. GLASSER	<u>yes</u>
DIST 4: COMM. PLACKO	<u>yes</u>

Samuel S. Goren
SAMUEL S. GOREN, 12/11/14
CITY ATTORNEY

