

original 17

**CITY OF POMPANO BEACH  
Broward County, Florida**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 90, "ANIMALS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY CREATING SECTION 90.39, "RETAIL SALE OF DOGS AND CATS," TO PROHIBIT THE SALE OR TRANSFER OF DOGS AND CATS BY PET STORES IN THE CITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING 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," ("Facilities") that mass-produce animals for sale to the public; and

**WHEREAS**, because of the lack of proper animal husbandry practices at these Facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, and 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**, many animals produced in these Facilities are purchased by retail pet stores for sale to the public; and

**WHEREAS**, while not all dogs and cats sold in retail pet stores are the product 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 fueled by the availability of dogs and cats in pet stores; and

**WHEREAS**, the City Commission believes that restricting 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 restriction of the retail sale of dogs and cats in pet stores in the City will reduce mistreatment of the animals in "puppy mills" and "kitten factories" by reducing demand for such animals and will encourage pet consumers to adopt dogs and cats from shelters benefitting these animals and reducing the cost to the public of sheltering them; and

**WHEREAS**, the City Commission of the City of Pompano Beach has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of Pompano Beach; and

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

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

**SECTION 2.** That Section 90.39, "Retail Sale of Dogs and Cats," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

**§ 90.39 RETAIL SALE OF DOGS AND CATS.**

(A) Definitions. For purposes of this section, the following definitions shall apply:

***ANIMAL RESCUE ORGANIZATION.*** The Humane Society or other duly incorporated nonprofit organization operated as a bona fide charitable organization under Section 501(c) 3 of the Internal Revenue code, which organization is devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals and which does not breed animals.

***ANIMAL SHELTER.*** A municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals, and which does not breed animals.

***CAT.*** An animal of any age of the Felidae family of the order Carnivora.

***CERTIFICATE OF SOURCE.*** A document from the source city or county animal shelter or animal control agency, humane society, non-profit rescue organization or Hobby Breeder declaring the source of origin of a dog or cat on the premises to be sold or transferred or offered for sale or transfer. A Certificate of Source shall include at a minimum, a brief description of the dog or cat, the name, address, telephone number and e-mail address of the source of the dog or cat, 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 of Source.

***DOG.*** An animal of any age of the Canidae family of the order Carnivora.

***HOBBY BREEDER.*** 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.

***PET STORE.*** Any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs and/or cats, regardless of the age of the dog or cat.

***PET STORE OPERATOR.*** A person who owns or operates a pet store.

(B) Sale or transfer of dogs and/or cats. 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 Pompano Beach on or after the effective date of this Ordinance.

(C) Exemptions. This section does not apply to:

(1) A Hobby Breeder as defined herein.

(2) A person 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 zoned for such purpose within the City of Pompano Beach and owned by such person and that has obtained all required city approvals for such purpose.

(3) An animal shelter.

(4) An animal rescue organization.

(5) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.

(D) Certificate of source. A pet store shall post and maintain in a conspicuous place, on or within three 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.

(E) Nothing in this section shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by, or obtained from, an animal shelter or animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public from such store.

(F) Violations; enforcement. Any person who violates this Section shall be subject to a fine of up to \$500.00 per day for a violation in accordance with § 10.99 of the City's Code of Ordinances.

**SECTION 3.** That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

**SECTION 4.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 5.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 22nd day of April, 2014.

**PASSED SECOND READING** this 13th day of May, 2014.



---

**LAMAR FISHER, MAYOR**

**ATTEST:**



---

**MARY L. CHAMBERS, CITY CLERK**

GBL/jrm

4/28/14

L:ord/ch90/2014-203 – 2<sup>nd</sup> version