

ORDINANCE NO. 37-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 5.1 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION SECTION 5-18 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council has adopted general provisions pertaining to animals, which have been codified in Chapter 5 of the Town's Code of Ordinances; and

WHEREAS, based upon information received by the Town from the Human Society of the United States, hundreds of thousands of dogs and cats have been, and are presently housed and bred at substandard breeding facilities, known as "puppy or kitten mills"; and

WHEREAS, based upon information received by the Town from the Humane Society of the United States, puppy or kitten mills are facilities that mass-produce these types of animals for sale to the public, primarily at pet stores; and

WHEREAS, based upon information received by the Town from the Humane Society of the United States, cats and dogs bred in puppy or kitten mills often suffer from health, social and/or temperament problems that can sometimes result in costly treatment or death; and

WHEREAS, based upon information received from the Humane Society of the United States, cats and dogs housed and bred at puppy or kitten mills may develop congenital and hereditary conditions because of the substandard breeding conditions which exist at these facilities, resulting in dogs and cats which make their way to pet stores or homes with giardia, parvovirus and distemper, illnesses that can be transmitted to healthy animals; and

WHEREAS, the Town Council recognizes that not all dogs and cats sold in retail pet stores are the product of inhuman breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates a puppy or kitten mill; however puppy or kitten mills do continue to exist in part because of public demand for

the sale of dogs and cats in pet stores; and

WHEREAS, based upon information received from the Humane Society of the United States, Florida has the largest number of consumer complaints and the highest number of complaints about puppies purchased from pet stores; and

WHEREAS, the Town Council determines that prohibiting puppy and kitten mills and the retail sale of dogs and cats in the Town will promote community awareness of animal welfare and will encourage pet consumers to adopt dogs and cats from shelters, thereby saving the lives of dogs and cats which might otherwise be needlessly euthanized and also has the effect of reducing the cost to the public of sheltering unwanted dogs and cats.

WHEREAS, the Town Council, after duly noticed public hearings has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Jupiter, Florida that:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Chapter 5, Section 5-1, entitled "Definitions" is hereby amended to add definitions for the following terms:

Animal rescue organization means a duly incorporated non-profit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals and which does not breed animals.

Animal shelter means a public animal shelter or a shelter operated by an animal rescue organization, or nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals..

Cat means an animal of the Felidae family of the order Carnivora.

Dog means an animal of the Canidae family of the order Carnivora.

Pet store means any retail establishment whether operated separately or in conjunction with another business enterprise which is open to the public that

sells or transfers, or offers for sale or transfer, dogs and/or cats regardless of the age of the animal.

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

Puppy or kitten mill means a facility where dogs or 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 twenty 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) A single female is bred every cycle;
- (4) A single female is bred over five times;
- (5) More than eight dogs or kittens are kept in a single cage or kennel area.

Section 3. Chapter 5 is hereby amended to create new section 5-18, as follows:

Sec. 5-18. Breeding and retail sale of dogs and cats.

(a) Puppy or Kitten Mills. It shall be unlawful for any person or entity to establish, operate or maintain a puppy or kitten mill within the corporate limits of the town.

(b) Sale or transfer of dogs or cats. It shall be unlawful for a pet store to display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats within the corporate limits of the town.

(c) Exemptions. This section shall not apply to:

- (1) A person who sells, deliver, offers for sale, trades, barter, leases, rents, auctions, gives away or otherwise transfers or disposes of a dog or cat that was bred and reared on property owned by the person provided that the person is not operating a puppy or kitten mill, the person is not a pet dealer as defined in chapter 828 F.S., and the property is not a pet store.
- (2) An animal shelter;

- (3) An animal rescue organization; or
- (4) An animal shelter or animal rescue organization that operates out of or in conjunction with a pet store.

(e) Adoption of shelter and rescue animals. Nothing in this section shall prevent a pet store or its owner, operator or employee from providing space and appropriate care for animals owned by an animal shelter or animal rescue organization and maintained at the pet store for the purpose of offering the animals for adoption by members of the public.

(f) Violations, enforcement.

- (1) Code enforcement personnel are authorized to enforce this article in accordance with all remedies set forth in division 2 of article II of chapter 2 of this code.
- (2) Law enforcement personnel are authorized to enforce the provisions of these sections in accordance with chapter 8 of this code, and any other provision of state or local law.
- (3) In addition to the remedies set forth above, whether civil or criminal, the town may also pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in a court of competent jurisdiction to enforce the provisions of this section.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

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Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

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Upon First Reading this 16th day of September, 2014, the foregoing Ordinance was offered by Councilor Wendy Harrison, who moved its adoption. The motion was seconded by Vice-Mayor Ilan Kaufer, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 7th day of October, 2014, the foregoing Ordinance was offered by Councilor Wendy Harrison, who moved its adoption. The motion was seconded by Councilor Todd Wodraska, and upon being put to a roll call vote, the vote was as follows:

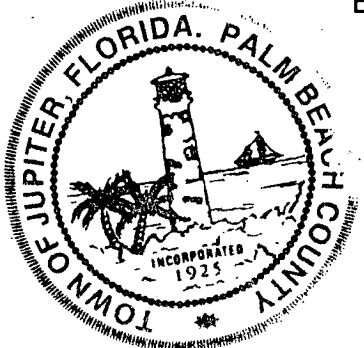
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 37 -14 duly passed and adopted this 7th day of October, 2014.


ATTEST:

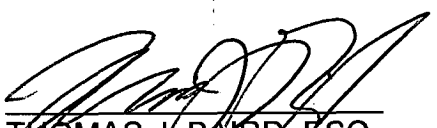

 SALLY M. BOYLAN, MMC
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY: 
 KAREN J. GOLONKA
 MAYOR


 THOMAS J. BAIRD, ESQ.
 Approved as to form and
 legal sufficiency