

## ORDINANCE NO. 2012 - 03

AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES BY CREATING A NEW SECTION 6-12, ENTITLED "RETAIL SALE OF DOGS AND CATS;" PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; 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 not 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.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

**SECTION 1.** Chapter 6, Article I, Animals, of the Code of Ordinances of the City of Hallandale Beach, Florida, is amended to create Section 6-12, "Retail Sale of Dogs and Cats," as follows:

**Section 6-12. Retail Sale of Dogs and Cats.**

(1) *Definitions.* 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 and 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.
- 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. "Pet store" means 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 (see also Pet Shop Chapter 6 Section 1).
- g. "Pet store operator" means a person who owns or operates a pet store.

(2) 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 Hallandale Beach.

(3) *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 owned by and zoned for the person or pet store.
- b. An animal shelter.
- c. An animal rescue organization.
- d. An animal shelter or animal rescue organization that operates out of or in connection with a pet store.

(4) *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.

(5) *Violations – Enforcement.*

- a. Any person who violates this section shall be subject to the penalties set forth in Section 9-5 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.

- c. In addition to any other penalty, a pet store owner who is found to have falsified a certificate of source shall pay \$2,500.00 in damages to each recipient of such falsified certificate.

**SECTION 2.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 3.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Hallandale Beach Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to accomplish such intentions.

**SECTION 4.** In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

**SECTION 5.** This Ordinance shall become effective immediately upon passage by the City Commission on second reading.

PASSED AND ADOPTED on 1<sup>st</sup> reading April 4, 2012.


PASSED AND ADOPTED on 2<sup>nd</sup> reading April 18, 2012.

  
MAYOR-COMMISSIONER

ATTEST:

  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
FORM

  
V. LYNN WHITFIELD  
CITY ATTORNEY

VOTE  
AYE/NAY

Mayor Cooper	<input checked="" type="checkbox"/>
Vice Mayor Sanders	<input checked="" type="checkbox"/>
Comm. Lewy	<input checked="" type="checkbox"/>
Comm. London	<input checked="" type="checkbox"/>
Comm. Ross	<input checked="" type="checkbox"/>