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ORDINANCE 11, 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 14. ANIMALS. BY REPEALING ARTICLE II. DOGS AND CATS. AND READOPTING SAME, AS REVISED, IN ORDER TO ADOPT NEW REGULATIONS REGARDING THE RETAIL SALE OF DOGS AND CATS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. ANIMALS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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 in pet stores; and

WHEREAS, the May 2010 U.S. Department of Agriculture, Inspector General's Audit Report concluded that the Animal and Plant Health Inspection Services (APHIS) Animal Care (AC) unit's enforcement process was ineffective in achieving breeder/dealer compliance with the Federal Animal Welfare Act (AWA) and that APHIS took little or no enforcement actions against violators; and

WHEREAS, such lack of enforcement weakened the agency's ability to protect the animals and as a result 2,416 of 4,250 violators repeatedly violated AWA, including violations of minimum care standards intended to ensure the humane care and treatment of animals; and

WHEREAS, cats and dogs that are bred in puppy mills or kitten factories often suffer from health, social, and/or temperament problems that frequently result in costly treatment or even death; and

WHEREAS, in addition to the congenital and hereditary conditions resulting from substandard breeding facilities, dogs and cats bred at these facilities may arrive in pet stores and their new homes with giardia, parvovirus, and distemper, illnesses that can be transmitted to healthy family animals; and

WHEREAS, according to the Humane Society of the United States, Florida has the highest number of consumer complaints submitted to the Humane Society and the highest number of complaints about puppies purchased from pet stores; and

1 Animal rescue organization means a duly incorporated nonprofit organization,
 2 properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to
 3 the welfare, protection, rescue, care, humane treatment, and adoption of stray,
 4 abandoned, or surrendered animals and which does not breed animals.

5
 6 Animal shelter means a state, county, municipal, or related public animal shelter
 7 devoted to the rescue, care, and adoption of stray, abandoned, or surrendered animals,
 8 and which does not breed animals.

9
 10 ~~Cat. Both male and female~~ Cat means an animal of the Felidae family of the order
 11 Carnivora.

12
 13 Certificate of Source means a document declaring the source of origin of the dog or
 14 cat sold or transferred, or offered for sale or transfer, by the pet store. The certificate
 15 shall include the name and address of the original source of the dog or cat and license
 16 information if the original source breeder is licensed by the United States Department of
 17 Agriculture and shall be signed by both the pet store certifying the accuracy of the
 18 certificate, and by the purchaser or transferee of the companion animal acknowledging
 19 receipt of the certificate.

20
 21 ~~Dog. Both male and female~~ Dog means an animal of the Canidae family of the order
 22 Carnivora.

23
 24 Owner means any person or persons, firm, association, or corporation owning,
 25 keeping, or harboring a dog or cat.

26
 27 Pet store means any retail establishment open to the public, whether a sole
 28 proprietorship, partnership (limited or general), limited liability company, or corporation
 29 that sells or transfers, or offers for sale or transfer, dogs and/or cats, including puppies
 30 and kittens, regardless of the age of the dog or cat. Additionally, such establishments
 31 may also be identified by the sale of animals other than those from the Canidae or
 32 Felidae families that are traditionally considered to be domestic pets and/or the sale of
 33 grooming services and/or domestic pet supplies and accessories (including but not
 34 limited to food, bedding, toys, grooming products, collars, leashes and the like).

35
 36 Puppy or kitten mill means a facility where dogs and cats are bred, whether such
 37 facility is licensed by the U.S. Department of Agriculture or not, and where any two (2)
 38 of the following conditions are found to exist:

- 39 a. More than fifteen (15) puppies (under the age of 12 weeks) or more than fifteen
 40 (15) kittens (under the age of 16 weeks) are kept at a single time;
 41 b. No genetic (heredity) health testing appropriate for the breed is conducted;
 42 c. No long-term (over one (1) year) guarantees are offered;
 43 d. A single female is bred every cycle;
 44 e. A single female is bred more than five (5) times during her lifetime;
 45 f. There are no records of the dogs' or cats' parents; and
 46

1 g. More than eight (8) dogs or cats, regardless of age, are kept in a single cage or
2 kennel enclosure.

3
4 *Running at large* means:

5
6 (1) A dog being upon a public street, road, or right-of-way without being
7 accompanied by an attendant who shall have the dog firmly held by collar and leash,
8 which leash shall not exceed eight (8) feet in length.

9
10 (2) A cat being upon any public street, road, or right-of-way, or in any yard or
11 enclosure other than the yard or enclosure occupied or owned by the cat owner.

12
13 **Sec. 14-32. Inoculation required.**

14
15 It shall be unlawful within the city to keep and possess a dog or cat unless the owner
16 or keeper shall have the same inoculated against rabies by a duly qualified and licensed
17 veterinarian, and further the dog or cat shall be inoculated in like manner in cases of
18 emergency whenever ordered by the state board of health.

19
20 **Sec. 14-33. Running at large.**

21
22 (a) No person owning, harboring, or having in his possession any dog shall permit
23 or allow the dog to run at large within the city or allow the dog to be upon any public
24 street, road, or right-of-way within the city, unless accompanied by an attendant who
25 shall have the dog firmly held by collar and leash, which leash shall not exceed eight (8)
26 feet in length.

27
28 (b) No person owning, harboring, or having in his possession any cat shall permit
29 or allow the cat to be upon any public street, road, or right-of-way within the city or in
30 any yard or enclosure other than the yard or enclosure occupied or owned by the cat
31 owner.

32
33 (c) The owner of any dog or cat shall not permit or allow the dog or cat to be or
34 enter upon any church premises, public hall or building, public parks, school premises,
35 restaurant, store, market, or any place where food or drink is commercially dispensed or
36 served except as may be permitted in accordance with Article III. of this chapter. Any
37 dog or cat found running at large in any public park of the city shall be impounded in the
38 manner provided in section 14-34 hereof.

39
40 **Sec. 14-34. Impounding.**

41
42 It shall be the duty of any police officer or dog warden of the city to take charge of
43 any dog or any cat running at large and impound the same. If any dog or cat running at
44 large shall appear to be rabid or shall physically attack an officer or dog warden while
45 enforcing this provision, the officers and dog warden are authorized to destroy the
46 same.

1 **Sec. 14-35. Notice of impounding, warning citations.**
2

3 (a) The police officer or dog warder shall, after impounding the dog or cat, give
4 notice in writing to the owner, or keeper, or person in charge thereof personally. This
5 notice shall set forth that the dog or cat has been impounded and may be claimed upon
6 payment of \$10.00 plus costs.
7

8 (b) The owner, keeper, or person in charge of the animal impounded shall be
9 issued a warning citation for the first offense committed in violation of section 14-33(a)
10 and (b) hereof, and shall be arrested for all subsequent violations of section 14-33(a)
11 and (b). If the owner, keeper, or person in charge thereafter fails to claim the dog or cat
12 within two days, excluding Saturdays, Sundays, and holidays as part of that time, the
13 dog or cat shall be sold or otherwise disposed of by the city.
14

15 (c) Upon failure or inability of the police officer or dog warden to find or serve the
16 owner, keeper, or person in charge of the dog or cat personally, the notice may be
17 served by attaching the same to the door of the residence of the owner or keeper, or
18 person in charge of the dog or cat or, in the alternative, by posting a notice on the
19 bulletin board in a public place within the office of the police department.
20

21 **Sec. 14-36. Depositing excreta on public or private property.**
22

23 It shall be unlawful for the owner or person in possession or control of any dog to
24 allow the dog to be or enter upon the private property of another person or be upon any
25 public sidewalk or upon any unpaved portion of a public right-of-way and defecate or
26 urinate thereon.
27

28 **Sec. 14-37. Penalty Puppy mills/kitten mills prohibited.**
29

30 ~~In accordance with sections 2-187—2-242 of this code of ordinances and F.S., §~~
31 ~~162.09, the code enforcement board of the city is hereby granted jurisdiction for~~
32 ~~enforcement of this chapter and shall have the power to impose a fine in the maximum~~
33 ~~sum of \$250.00 per day with each day the violation occurs constituting a separate~~
34 ~~offense on any person or corporation who violates the provisions of this chapter. It shall~~
35 ~~be unlawful for any person or entity to establish, operate, or maintain a puppy or kitten~~
36 ~~mill within the municipal boundaries of the City of Palm Beach Gardens.~~
37

38 **Sec. 14-38. Sale or transfer of dogs and/or cats.**
39

40 No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away,
41 transfer, offer for sale or transfer, or otherwise dispose of dogs or cats within the city's
42 municipal boundaries.
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1 **Sec. 14-39. Certificate of Source.**

2
3 (a) All pet stores within the City of Palm Beach Gardens shall post and maintain in
4 a conspicuous place, on or within three (3) feet of each animal's kennel, cage, or
5 enclosure, a Certificate of Source of each dog or cat offered for sale or transfer, and
6 shall provide a copy of such certificate to the purchaser or transferee of any dog or cat
7 sold or transferred.

8
9 (b) Any law enforcement officer, code enforcement officer, or employee of a city or
10 county animal shelter may, at any time, request to review copies of such certificates,
11 and upon such request; the pet store must present such certificates at that time and
12 without delay.

13
14 (c) Falsification of a Certificate of Source by a pet store, pet store operator, or any
15 other is hereby declared unlawful.

16
17 (d) The requirements of this section 14-39 shall sunset and no longer be of any
18 force and effect on January 6, 2015.

19
20 **Sec. 14-40. Adoption of shelter and rescue animals.**

21
22 Nothing in this article shall prevent a pet store, its owner, operator, or employees
23 from providing space and appropriate care for animals at the pet store, so long as such
24 animals are owned by a publicly operated animal control agency, nonprofit humane
25 society, or nonprofit animal rescue agency that is registered with the county, for the
26 purpose of adopting those animals to the public.

27
28 **Sec. 14-41. Effective date.**

29
30 Any pet store that is lawfully operating on July 10, 2014 shall be permitted to
31 continue its sales of dogs and cats for a period of time not to exceed one hundred
32 eighty (180) days from July 10, 2014, to wit: January 6, 2015.

33
34 **Sec. 14-42. Penalties – enforcement.**

35
36 (a) Any person who commits an act in violation of this article may be prosecuted
37 for such violation in accordance with Chapter 2. Administration. of this Code of
38 Ordinances, Chapter 162, Florida Statutes, and/or any other means of enforcement
39 available under state or federal law.

40
41 (b) The city may initiate a civil action in any court of competent jurisdiction to enjoin
42 any violation of this article.

43
44 (c) Falsification of a Certificate of Source is hereby deemed an irreversible and
45 irreparable violation of this article in accordance with Chapter 162, Florida Statutes.

1 **Secs. 14-3843 – 14-50. Reserved.**

2
3 **SECTION 4.** All ordinances or parts of ordinances in conflict be and the same are
4 hereby repealed.

5
6 **SECTION 5.** Should any section or provision of this Ordinance or any portion
7 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
8 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

9
10 **SECTION 6.** Specific authority is hereby given to codify this Ordinance.

11
12 **SECTION 7.** This Ordinance shall become effective immediately upon adoption.


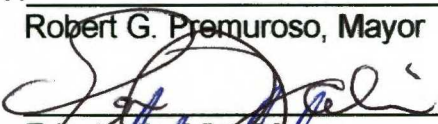
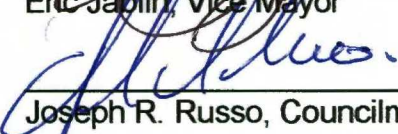


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PASSED this 5th day of June, 2014, upon first reading.

PASSED AND ADOPTED this 10th day of July, 2014, upon second and final reading.

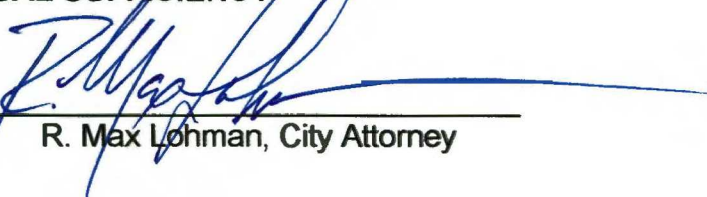
CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

BY: 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert G. Premuroso, Mayor			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric Jablin, Vice Mayor			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph R. Russo, Councilmember			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marcie Tinsley, Councilmember			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Levy, Councilmember			

ATTEST:


 BY: Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


 BY: R. Max Lohman, City Attorney