ORDINANCE NO. 2014-02

AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES BY CREATING A NEW SECTION 14-2, ENTITLED “RETAIL SALE OF DOGS AND CATS”; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; 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 in pet stores; and

WHEREAS, cats and dogs that are bred in puppy mills or kitten factories often suffer from health, social and/or temperament problems that sometimes 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, 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,” these facilities continue to exist in part because of public demand for the sale of dogs and cats in pet stores; 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

WHEREAS, prohibiting the retail sale of dogs and cats in the Village will promote community awareness of animal welfare and will 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 VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:

SECTION 1: Chapter 14 of the Village of Wellington’s Code of Ordinances is amended to create Section 14-2, “Retail Sale of Dogs and Cats,” as follows:
Section 14-2. 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 adopting 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.
e. “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.
f. “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 Village of Wellington.

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

a. A person that sells, delivers, offers for sale, trades, barters, leases, rents, auctions, gives away, or otherwise transfers or dispose of dogs and/or cats that were bred and reared on property owned by the person.
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) Adoption of shelter and rescue animals. 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 an animal shelter or animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public.

(5) Violations – Enforcement.

a. Any person who violates this section shall be subject to penalties set forth in Section 1-12 of this Code of Ordinances.
b. Additionally, the Village may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3: Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 4:** This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of January, 2014 upon first reading.

PASSED AND ADOPTED this _____ day of January, 2014, on second and final reading.

WELLINGTON

BY: ______________________________ FOR  AGAINST

______________________________  __________  __________
Bob Margolis, Mayor

______________________________  __________  __________
Howard K. Coates, Jr., Vice Mayor

______________________________  __________  __________
Matt Willhite, Councilman

______________________________  __________  __________
Anne Gerwig, Councilwoman

______________________________  __________  __________
John Greene, Councilman

ATTEST:

BY: ______________________________

______________________________
Awilda Rodriguez, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: ______________________________

______________________________
Laurie Cohen, Village Attorney