ORDINANCE NO. 2014-0002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING PART II, CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES ENTITLED “ANIMALS”, BY CREATING A NEW SECTION 4-6 ENTITLED “RETAIL SALE OF DOGS AND CATS”; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND 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,” (“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 leading to “impulse” purchases of animals; 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 impulse purchases of pets, which can lead to abandonment or mistreatment of the animals once they have outgrown their initial puppy or kitten appeal and will also encourage pet consumers to adopt dogs and cats from shelters where proposed owners are screened for their suitability with respect to the animal, thus reducing the likelihood that the animal will be mistreated or abandoned and thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, the City Commission of the City of Wilton Manors has determined that the following amendment promotes and protects the general health, safety, and welfare of the residents of the City of Wilton Manors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA:

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

Section 2: Chapter 4 of the City's Code of Ordinances, entitled "Animals" is hereby amended to create Section 4-6 entitled "Retail Sale of Dogs and Cats," as follows:

Sec. 4-6. Retail Sale of Dogs and Cats.

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

Animal rescue organization means humane society or other duly incorporated or organized nonprofit organization registered with the Florida Department of State and 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, injured or surrendered animals and which does not breed animals.

Animal Shelter means a municipal or related public animal shelter or duly incorporated or organized nonprofit organization registered with the Florida Department of State and operated as a bona fide charitable organization under Section 501(c) 3 of the Internal Revenue Code devoted to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals, and which does not breed animals.

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

Certificate of Source means 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 means an animal of any age of the Canidae family of the Carnivora.

Hobby Breeder means any person or entity that causes or allows the breeding or studding 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 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.

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 Wilton Manors on or after the effective date of this Ordinance.

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

(a) A Hobby Breeder as defined herein.
(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 or other retail store.
(e) Pet stores that possessed an active City of Wilton Manors local business tax receipt on or before the effective date of this Ordinance; and demonstrate through receipts and customer identification that they have sold dogs or cats within three (3) months prior...
to the effective date of this Ordinance shall be exempt from the provisions of this
Section during the earlier of: 1) when the pet store sells its inventory of dogs and/or
cats that were in existence as of the effective date of this Ordinance; or 2) for a period
of ninety (90) days following the effective date of this Ordinance.

(4) Certificate of Source. A pet store shall post and maintain in a conspicuous place, 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 of
Source 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 a fine of up to $250.00 per
day for a first time violation, and up to $500.00 per day for a repeat violation in
accordance with Sections 2-75 and 2-78 of the City’s Code of Ordinances.

Section 3: It is the intention of the City Commission, and it is hereby ordained that the
provisions of this Ordinance shall become and be made a part of the City’s Code of
Ordinances.

Section 4: 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 5: That if any clause, section or other part of this Ordinance shall be held
invalid or unconstitutional by any court of competent jurisdiction, the remainder of this
Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 6: That this Ordinance shall become effective immediately upon the date
of adoption of this Ordinance.

PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF
WILTON MANORS, FLORIDA, THIS 25TH DAY OF FEBRUARY, 2014.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY
COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 11TH DAY OF
MARCH, 2014.
CITY OF WILTON MANORS, FLORIDA

By: 

GARY RESNICK, MAYOR

ATTEST:

KATHRYN SIMS
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR RESNICK
VICE MAYOR CARSON
COMMISSIONER GALATIS
COMMISSIONER GREEN
COMMISSIONER NEWTON

I HEREBY CERTIFY that I have approved the form of this Ordinance.

KERRY L. ETROL
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR RESNICK
VICE MAYOR CARSON
COMMISSIONER GALATIS
COMMISSIONER GREEN
COMMISSIONER NEWTON

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Coding: Words in struck-through type are deletions from existing law; Words in underlined type are additions.