ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING ARTICLE I WITHIN CHAPTER 4 OF THE CITY’S CODE OF ORDINANCES ENTITLED “GENERAL”, PROVIDING FOR DEFINITIONS RELATING TO THE SALE OF DOGS AND CATS; CREATING A NEW SECTION 4.10 RELATING TO THE SALE OF DOGS AND CATS, PROVIDING FOR REGULATIONS, EXEMPTIONS AND AMORTIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; 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 Oakland Park has determined that it is in the best interests of the City’s residents to adopt this ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AS FOLLOWS:

SECTION 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

SECTION 2. Chapter 4 of the City’s Code of Ordinances, entitled “Animals and Fowl” is hereby amended to create Section 4.10 entitled “Retail Sale of Dogs and Cats,” as follows:

Section 4.10. Retail sales of dogs and cats.

4.10 (a)Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Animal rescue organization means a humane society or other duly incorporated 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 or surrendered animals and which does not breed animals.

(2) Animal Shelter means a public animal shelter or duly incorporated 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 or surrendered animals, and which does not breed animals.

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

(4) Certificate of source means a document from a public animal shelter or animal control agency, animal humane society or non-profit animal rescue organization declaring the source of the dog or cat on the premises to be sold or transferred or offered for sale or transfer by the pet store. A Certificate of Source shall include at a minimum: (a) 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; (b) shall be signed by the
pet store certifying the accuracy of the certificate; and (c) shall be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the Certificate of Source.

(5) Dog means an animal of any age of the Canidae family of the Carnivora.

(6) 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.

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

4.10 (b) 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 on or after the effective date of this section.

4.10 (c) Exemptions. This section does not apply to:

(1) A publicly operated animal control facility or animal shelter.

(2) An animal rescue organization.

(3) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

4.10 (d) Certificate of Source

(1) A pet store shall post and maintain in a conspicuous place, on or within three (3) feet of each animal's kennel, cage or enclosure, a Certificate of Source for each dog or cat offered for sale or transfer, and the pet store shall provide a copy of such Certificate of Source to the purchaser or transferee of any dog or cat sold or transferred.

(2) Any law enforcement officer or employee of a county animal shelter may, at anytime, request to review copies of such certificates and, upon such request, the pet store operator must present such certificates at that time and without delay.

(3) Falsification of a Certificate of Source by a pet store, pet store operator, or any other person shall be deemed a violation of this section.

4.10 (e) 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 a publicly operated
animal control agency, nonprofit humane society, or nonprofit animal rescue
agency and maintained at the pet store for the purpose of adopting those
animals to the public.

4.10 (f) Amortization. Pet stores that possess an active City local
business tax receipt on the adoption date of this ordinance shall be permitted to
continue its sales of dogs and cats even if it is not in compliance with this
section for a period of time not to exceed six (6) three (3) months from the date
of adoption of the ordinance creating this section.

4.10 (g) Violations. A violation of this Section for which a citation is
issued is a civil infraction subject to the enforcement procedures set forth in
Section 24-234 of the City’s Code of Ordinances.

SECTION 3. Conflicting Ordinances. All prior ordinances or resolutions or parts
thereof in conflict herewith are to the extent of said conflict, hereby determined to be of
no force and effect during the time period of the moratorium.

SECTION 4. If any clause, section or other part of this Ordinance shall be
held by any Court of competent jurisdiction to be unconstitutional or invalid, such
unconstitutional or invalid part shall be considered as eliminated and in no way
affecting the validity of the other provisions of this Ordinance.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are
hereby repealed to the extent of such conflicts.

SECTION 6. It is the intention of the City Commission of the City of Oakland
Park, that the provisions of this Ordinance shall become and be made a part of the
Code of Ordinances of the City of Oakland Park, Florida, and the Sections of this
ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed
to "Section," "Article," or such other word or phrase in order to accomplish such
intention.

SECTION 7. This Ordinance shall be effective upon its passage and adoption
by the City Commission of the City of Oakland Park.
PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON FIRST READING, THIS 15TH, DAY OF NOVEMBER, 2017.

S. GUEVREKIAN       YES
M. SPARKS             YES
M. CARN              YES
J. ADORNATO          YES
T. LONERGAN          YES

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 6TH, DAY OF DECEMBER, 2017.

CITY OF OAKLAND PARK, FLORIDA

___________________________________
MAYOR TIM LONERGAN

S. GUEVREKIAN       _____
M. SPARKS             _____
M. CARN              _____
J. ADORNATO          _____
T. LONERGAN          _____

ATTEST:

____________________________________
RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:
I hereby certify that I have approved the form of this Ordinance (O-2017-XXX):

DONALD J. DOODY, CITY ATTORNEY