

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES ENTITLED "ANIMALS" TO PROHIBIT THE SALE OF DOGS AND CATS FROM PET SHOPS; PROVIDING FOR EXCEPTIONS, REQUIRING A CERTIFICATE OF SOURCE; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND 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" and "kitten factories" (collectively "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 "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

(Coding: Words underscored are additions to existing law; words ~~struck through~~ are deletions.)

WHEREAS, the City Commission of the City of Hollywood has determined that the following ordinance promotes and protects the general health, safety, and welfare of the residents of the City of Hollywood;

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

Section 1: That Chapter 38 of the Hollywood Code of Ordinances entitled "Finance" is hereby amended as follows:

TITLE IX: GENERAL REGULATIONS

CHAPTER 92: ANIMALS

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Pet Shops; Commercial Kennels

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§ 92.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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ANIMAL RESCUE ORGANIZATION. Any humane society or other duly incorporated or organized nonprofit organization dedicated to the rescue, care and/or adoption of stray, abandoned, injured or surrendered animals, which is registered under Section 501(C)(3) of the Internal Revenue Code and which does not breed animals.

ANIMAL SHELTER. Any public animal shelter or duly incorporated or organized nonprofit organization dedicated to the rescue, care and/or adoption of stray abandoned, injured or surrendered animals, which is registered under Section 501(c)(3) of the Internal Revenue Code and which does not breed animals.

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CAT. An animal of any age of the Felidae family of the order Carnivora.

CERTIFICATE OF SOURCE. A document from the source or animal shelter or animal control agency, humane society, or non-profit rescue organization declaring the source of origin of a dog or cat on the premises to be sold or transferred or offered for sale or transfer which shall include at a minimum: (a) brief description and photo of the

dog or cat; the name, address, telephone number, and e-mail address of the source of the dog or cat; (b) signature of the pet store operator certifying the accuracy of the certificate; and (c) signature of the purchaser or transferee of the dog or cat acknowledging receipt of the Certificate of Source.

DOG. An animal of any age of the Canidae family of the order Carnivora.

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§ 92.57 PET SHOPS.

(A) No pet shop shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs and cats on or after the effective date of this ordinance unless the pet shop obtains its dogs and cats from:

- (1) An animal rescue organization.
- (2) An animal shelter.
- (3) An animal rescue organization or animal shelter that operates out of or in connection with a pet shop.
- (4) A breeder providing an animal certified by the American Kennel Club or equivalent nationally recognized organization recognized as an American Canine Association Star Breeder, an American Kennel Club Breeder of Merit, a Cat Fanciers Association Approved Cattery or Cattery of Excellence or meeting the standards of an equivalent nationally recognized organization as approved by the City Manager or his or her designee.

(B) Certificate of Source.

(1) A pet shop 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 for each dog or cat offered for sale or transfer, and the pet shop shall provide a copy of such Certificate of Source to the purchaser or transferee of any dog or cat sold or transferred.

(2) Falsification of a Certificate of Source by a pet shop or pet shop operator, or any other person is hereby declared unlawful.

(3) Amortization. Pet shops shall have thirty (30) days from (date of second reading) to comply with the Certificate of Source requirements, and pet shops possessing an active City of Hollywood local business tax receipt shall be exempt from

the remaining requirements of subsections (A) and (B) of this section for a period of one hundred eighty (180) days from (date of second reading).

~~(C)~~(A) No sick or injured animals shall be maintained on the premises, or sold or offered for sale.

~~(D)~~(B) Animals which are unweaned or so young or weak that their sale would be injurious to them shall not be sold, offered for sale, or given away.

~~(E)~~(C) Every person maintaining a pet shop shall cause a notice, framed and enclosed under glass, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night who will proceed immediately to the location so as to permit entry to premises by a Code Enforcement Officer, to be posted on the premises near the entrance, said notice to be in such a position as to be legible at all times from the sidewalk or ground level adjacent the building.

Section 2: That it is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2016.

PASSED on first reading this ____ day of _____, 2016.

PASSED AND ADOPTED on second reading this ____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY