

## ORDINANCE NO. 2014-03

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 3, ANIMALS, SECTIONS 3-1 AND 3-8 AND CREATING A NEW SECTION 3-8; TO REVISE DEFINITIONS AND ADD REGULATIONS CONCERNING THE BREEDING AND SALE OF DOGS AND CATS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; 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," that mass-produce animals for sale to the public, many of which are sold in pet stores; and

**WHEREAS**, because of the lack of proper animal husbandry practices at those facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while 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**, 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 humane 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 City 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.

**WHEREAS**, the Planning and Engineering Department has submitted a request to amend Chapter 3, Animals; and

**WHEREAS**, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated March 10, 2014 (attached), that certain amendments to the City Code are appropriate; and

**WHEREAS**, the City Council of Greenacres on April 7, 2014, has held a duly advertised public hearing to review this request; and

**WHEREAS**, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 3 of the City's Code be amended; and

**WHEREAS**, the City Council of Greenacres finds that the amendments contained within this ordinance will promote the health, safety and welfare of the citizens of Greenacres.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 3 is hereby amended as follows:

\* \* \* \* \*

**Sec. 3-1. 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:

*Animal* shall mean any live vertebrate domesticated, farm or wild creature except human beings ~~domestic or wild~~.

*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.

*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.

*Cat* means an animal of the Felidae family of the order Carnivora.

*Dog* means an animal of the Canidae family of the order Carnivora.

*Domesticated animals* shall mean dogs, cats, parrots, parakeets, canaries, rabbits, guinea pigs, hamsters, turtles or any other animals which are tamed by nature and not defined as farm animals or wild animals in this chapter so long as they are kept and maintained in compliance with other provisions of this chapter.

*Farm animals* shall mean those domesticated animals which have historically been used in, by or for, the production of agricultural income or products or which are generally assumed by prevailing community standards to be associated with farm or agricultural uses, without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor. By way of example, and not by limitation, farm animals shall include sheep, goats, cattle, swine, horses, chickens and ducks.

~~*Kennel* shall mean any premises wherein any person engages in the business of breeding, buying, letting for hire, training for a fee, or selling dogs or cats.~~

*Nuisance* shall mean any animal or animals which:

- (1) Molests passers by or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on private or public property;
- (4) Repeatedly runs at large;
- (5) Damages private or public property;
- (6) Barks, whines, or howls in an excessive or continuous or untimely fashion.

*Owner* shall mean any person owning, keeping or harboring one (1) or more animals.

*Pet shop* shall mean any person or establishment whether operated separately or in connection with another business enterprise ~~except for a licensed kennel, that buys, sells or transfers, or offers for sale or transfer or boards any species of animal.~~

*Puppy or Kitten Mill* means a facility where dogs and cats are bred for the purpose of selling them and where any two (2) of the following conditions are found to exist:

- (1) More than twenty (20) dogs (under the age of 12 weeks) or more than twenty (20) cats (under the age of 16 weeks) are kept at a single time;
- (2) No genetic (heredity) health testing appropriate for the breed is conducted;
- (3) No long-term [over one (1) year] guarantees are offered;
- (4) A single female is bred every cycle;
- (5) A single female is bred more than five (5) times;
- (6) There are no records of the dogs' or cats' parents;
- (7) More than eight (8) dogs or cats are kept in a single cage or kennel area.

~~*Stable* shall mean any premises upon which a building or facility is located wherein horses are kept. These premises shall be fenced with all fencing to be located inside the building or facility's property line and shall not be less than four (4) feet in height.~~

~~*Veterinary hospital* shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.~~

*Vicious animal* shall mean any animal that constitutes a physical threat to human beings or other animals.

*Wild animals* shall mean those members of the animal kingdom wild by nature which because of habitat, mode of life or natural instinct are not customarily made tame, and require the exercise of art, force or skill to keep them in subjection, without regard to whether a specific animal is considered a pet or domesticated by his keeper or possessor. By way of example, and not by limitation, wild animals shall include monkeys, raccoons, skunks, foxes, poisonous snakes, constricting snakes such as pythons and boas, leopards, panthers and tigers, lions, lynxes or any other warm blooded animal which can normally be found in the wild state.

### **Sec. 3-8. Breeding and Retail Sale of Dogs and Cats.**

- (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 or cats.
- (b) It shall be unlawful for any person or entity to establish, operate or maintain a puppy or kitten mill.
- (c) Exemptions. This section does not apply to:
  - (1) A person that sells, delivers, offers for sale, trades, barter, leases, rents, auctions, gives away, or otherwise transfers or disposes of dogs and/or cats that were bred and reared on property owned by the person provided that they are not operating a "puppy or kitten mill" as defined in Section 3-1, provided that

they are not a "pet dealer" as defined in Section 828.29(13) of the Florida Statutes, and provided that the property is not a "pet shop" as defined in Section 3-1.

- (2) An animal shelter.
  - (3) An animal rescue organization.
  - (4) An animal shelter or animal rescue organization that operates out of or in connection with a pet shop.
- (d) Nothing in this section shall prohibit a pet shop from providing space and appropriate care for animals owned by an animal shelter or animal rescue organization and maintained at the pet shop for the purpose of facilitating adoption of those animals by the public.

**Sec. 3-8. 3-9. Enforcement and penalty**

The provisions of this chapter shall be enforced by the public safety department, and/or the code enforcement board or by the county animal regulation. Any violation of this chapter shall be subject to a fine of twenty five dollars (\$25.00) for each offense the penalty and other provisions of Section 1-14. Cases that are sent to the code enforcement board for resolution may be subject to the additional penalties provided under that authority.

*[All other portions of Chapter 3 to remain unchanged and are omitted for brevity]*  
\* \* \* \* \*

**Section 2. Repeal of Conflicting Ordinances.**

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof

shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 4. Inclusion in Code.**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

**Section 5. Effective Date.**

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

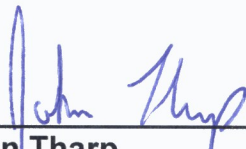
Passed on the first reading this 17<sup>th</sup> day of March, 2014.

PASSED AND ADOPTED on the second reading this 7<sup>th</sup> day of April, 2014.


  
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Samuel J. Ferreri  
Mayor

Attest:  
  
\_\_\_\_\_  
Denise McGrew  
City Clerk




  
\_\_\_\_\_  
John Tharp  
Councilman, District I


Voted  
(yes)

  
\_\_\_\_\_  
Peter Noble  
Councilman, District II


(yes)

  
\_\_\_\_\_  
Judith Dugo  
Councilwoman, District III

(yes)

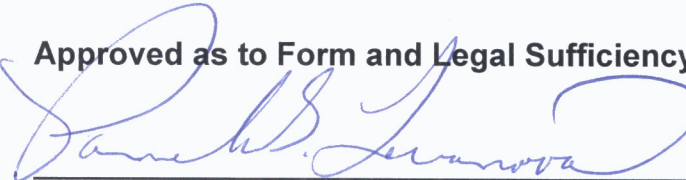
  
\_\_\_\_\_  
Jonathan G. Pearce  
Councilman, District IV

(yes)

  
\_\_\_\_\_  
Paula Bousquet  
Councilwoman, District V

(yes)

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
Pamela S. Terranova  
City Attorney