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TOWN OF HYPOLUXO

ORDINANCE NO. 203

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING ARTICLE VIII, "DOGS AND CATS," OF CHAPTER 22, "ENVIRONMENT," OF THE TOWN CODE OF ORDINANCES TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS IN PET STORES AND REGULATE BREEDING ACTIVITIES WITHIN THE TOWN; AMENDING SECTION 22-176, "DEFINITIONS;" CREATING A NEW SECTION 22-180, "BREEDING AND RETAIL SALE OF DOGS AND CATS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, according to the Human Society of the United States, hundreds of thousands of dogs and cats have been housed and bred at substandard breeding facilities, known as "puppy or kitten mills" that mass-produce animals for sale to the public, primarily at pet stores; and

WHEREAS, cats and dogs bred in puppy or kitten mills often suffer from health, social and/or temperament problems that sometimes result in costly treatment or 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 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 a puppy or kitten mill, 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 largest number of consumer complaints and the highest number of complaints about puppies purchased from pet stores; and

WHEREAS, the Town Council determines that prohibiting puppy and kitten mills and the retail sale of dogs and cats in pet stores located within the Town will promote community awareness of animal welfare and will encourage pet consumers to adopt dogs and cats from shelters, thereby saving the lives of animals and reducing the cost to the public of sheltering animals.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO as follows:

- 1 (2) No genetic (heredity) health testing appropriate for the breed
2 is conducted;
3
4 (3) No long-term (over one (1) year) guarantees are offered;
5
6 (4) A single female is bred every cycle;
7
8 (5) A single female is bred over five (5) times;
9
10 (6) There is no record of the dogs' or cats' parents; or
11
12 (7) More than eight (8) dogs or kittens are kept in a single cage
13 or kennel area.
14

15 **Sec. 22-177. Number restricted.**

16
17 No person shall possess and maintain upon the same premises
18 more than four cats or dogs, or any combination thereof greater than four,
19 or any number of cats or dogs if the total of such animals possessed and
20 maintained by all persons residing in the same dwelling unit would exceed
21 four. However, if the dwelling unit includes a yard with an escapeproof wall
22 or fence, the limit established herein shall be increased to six dogs and
23 cats, or any combination thereof. Escapeproof includes the characteristic
24 that a dog may not reasonably be expected to be able to escape
25 underneath or over the wall or fence. The limitation established herein
26 shall not be applicable to kittens or puppies under the age of six months.
27

28 **Sec. 22-178. Running at large.**

29
30 (a) No owner of any dog shall permit or allow the dog to run at
31 large within the town or allow the dog to be upon any public street, road,
32 or right-of-way within the town, unless accompanied by an attendant who
33 shall have the dog firmly held by collar and leash.
34

35 (b) No owner of any cat shall permit or allow the cat to be upon
36 any public street, road, or right-of-way within the town or in any yard or
37 enclosure other than the yard or enclosure occupied or owned by the cat
38 owner.
39

40 **Sec. 22-179. Sanitation.**

41
42 (a) No owner or custodian of any dog or cat shall cause or allow
43 such dog or cat to soil, defile or defecate on any public property or upon
44 any public street, road or right-of-way within the town or upon private
45 property other than that of the owner, unless such owner or custodian
46 immediately removes and disposes of all feces deposited by such dog or
47 cat.

1 (b) No owner or custodian of any dog or cat shall permit any
2 waste matter from the animal to collect and remain on the property of the
3 owner or custodian, or on the property of others so as to cause or create
4 an unhealthy, unsanitary, dangerous or offensive living condition on the
5 owner's or custodian's property or to abutting property of others.
6

7 **Sec. 22-180. Breeding and retail sale of dogs and cats.**
8

9 (a) Puppy or Kitten Mills. It shall be unlawful for any person or
10 entity to establish, operate or maintain a puppy or kitten mill within the
11 corporate limits of the Town.
12

13 (b) Sale or transfer of dogs or cats. It shall be unlawful for a pet
14 store to display, sell, deliver, barter, lease, rent, auction, give away,
15 transfer, offer for sale or transfer, or otherwise dispose of dogs or cats
16 within the corporate limits of the Town.
17

18 (c) Exemptions. This section shall not apply to:
19

20 (1) A person who sells, deliver, offers for sale, trades, barter,
21 leases, rents, auctions, gives away or otherwise transfers or
22 disposes of a dog or cat that was bred and reared on
23 property owned by the person provided that the person is not
24 operating a puppy or kitten mill, the person is not a pet
25 dealer as defined in chapter 828 F.S., and the property is not
26 a pet store;
27

28 (2) An animal shelter;
29

30 (3) An animal rescue organization; or
31

32 (4) An animal shelter or animal rescue organization that
33 operates out of or in conjunction with a pet store.
34

35 (d) Adoption of shelter and rescue animals. Nothing in this
36 section shall prevent a pet store or its owner, operator or employees from
37 providing space and appropriate care for animals owned by or in the
38 custody of an animal shelter or animal rescue organization and maintained
39 at the pet store for the purpose of offering the animals for adoption by
40 members of the public.
41

42 (e) Violations, enforcement.
43

44 (1) Code enforcement personnel are authorized to enforce this
45 article in accordance with all remedies set forth in division 2
46 of article II of chapter 2 of this code.
47

1 Signature page for Ordinance No. 203

2
3 Passed on first reading this 20th day of Aug., 2014.

4
5 APPROVED:

6 Kenneth M. Schultz
7
8 Mayor Kenneth M. Schultz

AYE NAY

✓

COUNCIL:

Michael C. Brown
Vice Mayor Michael C. Brown

✓

William J. Smith
William J. Smith

✓

Richard J. Roney
Richard J. Roney

✓

Brad R. Doyle
Brad R. Doyle

✓

Christine Nagy
Christine Nagy

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14 ATTEST:

15
16 Barbara L. Searls
17
18 Barbara L. Searls, Town Clerk

19
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21
22
23 Passed on second and final reading this 17th day of Sept., 2014.

24
25 APPROVED:

26 Kenneth M. Schultz
27
28 Mayor Kenneth M. Schultz

AYE NAY

✓

COUNCIL:

Michael C. Brown
Vice Mayor Michael C. Brown

✓

William J. Smith
William J. Smith

✓

Richard J. Roney
Richard J. Roney

✓

Brad R. Doyle
Brad R. Doyle

✓

Christine Nagy
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33
34 ATTEST:

35
36 Barbara L. Searls
37
38 Barbara L. Searls, Town Clerk

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40
41
42 Approved as to form and legal sufficiency:

43 Leonard G. Rubin
44
45 Leonard G. Rubin, Town Attorney