



1           **WHEREAS**, the City Commission believes that restricting the retail sale of dogs and  
2 cats in the City will promote community awareness of animal welfare and, in turn, will foster  
3 a more humane environment in the City; and

4           **WHEREAS**, the City Commission believes that the restriction of the retail sale of  
5 dogs and cats in pet stores in the City will reduce impulse purchases of pets, which can lead to  
6 abandonment or mistreatment of the animals once they have outgrown their initial puppy or  
7 kitten appeal and will also encourage pet consumers to adopt dogs and cats from shelters  
8 where proposed owners are screened for their suitability with respect to the animal, thus  
9 reducing the likelihood that the animal will be mistreated or abandoned and thereby saving  
10 animals' lives and reducing the cost to the public of sheltering animals; and

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

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

16  
17           **Section 1:**     The foregoing "WHEREAS" clauses are hereby ratified as true and  
18 correct and are incorporated herein by this reference.

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

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

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

23  
24 Animal rescue organization means humane society or other duly incorporated or organized  
25 nonprofit organization registered with the Florida Department of State and operated as a bona  
26 fide charitable organization under Section 501(c) 3 of the Internal Revenue Code, which

1 organization is devoted to the rescue, care and/or adoption of stray, abandoned, injured or  
2 surrendered animals and which does not breed animals.

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

9  
10 Cat means an animal of any age of the Felidae family of the order Carnivora.

11  
12 Certificate of Source means a document from the source City or County animal shelter or  
13 animal control agency, humane society, non-profit rescue organization or Hobby Breeder  
14 declaring the source of origin of a dog or cat on the premises to be sold or transferred or  
15 offered for sale or transfer. A Certificate of Source shall include at a minimum, a brief  
16 description of the dog or cat, the name, address, telephone number, and e-mail address of the  
17 source of the dog or cat, and shall be signed by both the pet store certifying the accuracy of the  
18 certificate and by the purchaser or transferee of the dog or cat acknowledging receipt of the  
19 Certificate of Source.

20  
21 Dog means an animal of any age of the Canidae family of the Carnivora.

22  
23 Hobby Breeder means any person or entity that causes or allows the breeding or studing of a  
24 dog or cat resulting in no more than a total of one litter per adult animal per calendar year  
25 whether or not the animals in such litter are offered for sale or other transfer.

26  
27 Pet store means any retail establishment open to the public that sells or transfers, or offers for  
28 sale or transfer, dogs and/or cats, regardless of the age of the dog or cat.

29  
30 Pet store operator means a person who owns or operates a pet store.

31  
32 (2) Sale or transfer of dogs and/or cats. No pet store shall display, sell, trade, deliver, barter,  
33 lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs  
34 or cats in the City of Wilton Manors on or after the effective date of this Ordinance.

35  
36 (3) Exemptions. This section does not apply to:

- 37  
38 (a) A Hobby Breeder as defined herein.  
39 (b) An animal shelter.  
40 (c) An animal rescue organization.  
41 (d) An animal shelter or animal rescue organization that operates out of or in connection  
42 with a pet store or other retail store.  
43 (e) Pet stores that possessed an active City of Wilton Manors local business tax receipt on  
44 or before the effective date of this Ordinance; and demonstrate through receipts and  
45 customer identification that they have sold dogs or cats within three (3) months prior

1 to the effective date of this Ordinance shall be exempt from the provisions of this  
2 Section during the earlier of: 1) when the pet store sells its inventory of dogs and/or  
3 cats that were in existence as of the effective date of this Ordinance; or 2) for a period  
4 of ninety (90) days following the effective date of this Ordinance.

5  
6 (4) Certificate of Source. A pet store shall post and maintain in a conspicuous place, on or  
7 within three (3) feet of each dog's or cat's kennel, cage or enclosure, a Certificate of Source of  
8 each dog or cat offered for sale or transfer, and shall provide a copy of such Certificate of  
9 Source to the purchaser or transferee of any dog or cat sold or transferred.

10  
11 (5) Violations – Enforcement.

12  
13 (a) Any person who violates this Section shall be subject to a fine of up to \$250.00 per  
14 day for a first time violation, and up to \$500.00 per day for a repeat violation in  
15 accordance with Sections 2-75 and 2-78 of the City's Code of Ordinances.

16  
17 **Section 3:** It is the intention of the City Commission, and it is hereby ordained that the  
18 provisions of this Ordinance shall become and be made a part of the City's Code of  
19 Ordinances.

20 **Section 4:** That all ordinances and resolutions or parts of ordinances and  
21 resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such  
22 conflict.

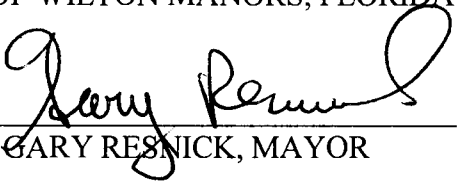
23 **Section 5:** That if any clause, section or other part of this Ordinance shall be held  
24 invalid or unconstitutional by any court of competent jurisdiction, the remainder of this  
25 Ordinance shall not be affected thereby, but shall remain in full force and effect.

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

28 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**  
29 **WILTON MANORS, FLORIDA, THIS 25<sup>th</sup> DAY OF February 2014.**

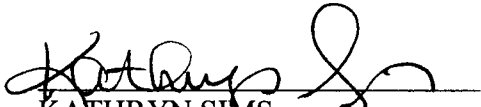
30  
31 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**  
32 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 11<sup>th</sup> DAY OF**  
33 **March, 2014.**

CITY OF WILTON MANORS, FLORIDA

By:   
GARY RESNICK, MAYOR

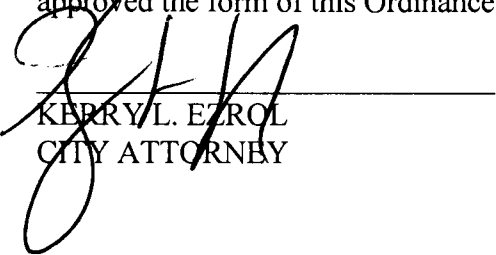
ATTEST:

RECORD OF COMMISSION VOTE: 1<sup>ST</sup>  
Reading

  
KATHRYN SIMS  
CITY CLERK

MAYOR RESNICK aye  
VICE MAYOR CARSON aye  
COMMISSIONER GALATIS aye  
COMMISSIONER GREEN aye  
COMMISSIONER NEWTON aye

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

  
KERRY L. EZROL  
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2<sup>ND</sup>  
Reading

MAYOR RESNICK aye  
VICE MAYOR CARSON aye  
COMMISSIONER GALATIS aye  
COMMISSIONER GREEN aye  
COMMISSIONER NEWTON aye

KLE:SRW

H:\\_GOV CLIENTS\WM 2976\\_920129 GMORD.14\2014 - 0002 Revised 2-26-14 (2nd Reading) (Ordinance Regulating Sales of Cats and Dogs).doc

{00009123.DOC } CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underlined type are additions.