

ORDINANCE NO. 975

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 5. ANIMALS. AT ARTICLE II. DOGS AND CATS., DIVISION 1. GENERALLY. TO ADD AN ENTIRELY NEW SECTION 5-45. RETAIL SALE OF DOGS AND/OR CATS. IN ORDER TO PROHIBIT THE RETAIL SALE OF DOGS AND/OR CATS AT PET STORES AND PET SUPPLY STORES, TO PROVIDE EXEMPTIONS AND PENALTIES, AND TO PROVIDE AN AMORTIZATION PERIOD FOR LAWFULLY OPERATING BUSINESSES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 5. ANIMALS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, according to the Humane Society of the United States (“HSUS”), hundreds of thousands of dogs and cats in the United States (“U.S.”) 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, the HSUS estimates that each year two (2) to four (4) million dogs and cats are born in the U.S. in puppy mills and kitten factories; and

WHEREAS, the May 2010 U.S. Department of Agriculture (“USDA”), Inspector General’s Audit Report concluded that the Animal and Planet Health Inspection Services (“APHIS”) Animal Care unit’s enforcement process was ineffective in achieving breeder/dealer compliance with the Federal Animal Welfare Act (“AWA”) and that APHIS took little or no enforcement actions against violators; and

WHEREAS, such lack of enforcement weakened the agency’s ability to protect the animals and as a result 2,416 of 4,250 violators repeatedly violated AWA, including violations of minimum care standards intended to ensure the humane care and treatment of animals; and

WHEREAS, according to USDA reports, problems found at puppy mills and kitten factories includes: 1) sanitation problems leading to infectious diseases; 2) large numbers of animals overcrowded in cages; 3) lack of proper veterinary care for severe illnesses and injury; 4) lack of protection from harsh weather conditions; and 5) lack of adequate food and water; and

WHEREAS, cats and dogs that are bred in puppy mills or kitten factories often suffer form health, social and/or temperament problems that frequently result in costly treatment or even 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 family animals; and

WHEREAS, according to the HSUS, 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, the most effective way to stop puppy mills and kitten factories is to discourage the purchase and sale of puppies and kittens produced from these inhumane facilities;

WHEREAS, numerous alternatives exist for people to find pets, including adoption of animals from public and private animal rescue organizations or purchase from reputable and conscientious breeders; and

WHEREAS, pursuant to Florida's Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, the Village of Royal Palm Beach may exercise and power for a municipal purpose unless otherwise expressly prohibited; and

WHEREAS, currently there are over 50 county or city ordinances in the State of Florida with similar retail dog and cat sale prohibitions;

WHEREAS, the Village Council of the Village of Royal Palm Beach deems that the prohibition on the retail sale of dogs and cats at pet stores in the Village of Royal Palm Beach to be in the best interest of the health, safety, and welfare of the residents and citizens of the Village of Royal Palm Beach, and the public at large, that such prohibition constitutes a municipal purpose 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 and euthanizing animals.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 5. ANIMALS. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Dogs and Cats., Division 1. Generally. to add an entirely new Sec. 5-45. Retail sale of dogs and/or cats. in order to prohibit the retail sale of dogs and/or cats at pet stores and pet supply stores, to provide exemptions and penalties, and to provide an amortization period for lawfully operating businesses; and further to provide that Secs. 5-46—5-50 shall be reserved for future Village purposes; providing that Division 1. Generally. shall hereafter read as follows:

Sec. 5-31.—Sec. 5-44. [Shall remain the same as previously adopted.]

Sec. 5-45. – Retail sale of dogs and/or cats.

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

Animal rescue organization means a duly incorporated nonprofit organization devoted to the welfare, protection, rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals. The term adoption does not include the sale of an animal for profit.

Animal shelter means a state, county, municipal, or related public 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. The term adoption does not include the sale of an animal for profit.

Pet store or pet supply 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. Additionally, such establishments may also be identified by the sale of animals other than those from the Canidae or Felidae families that are traditionally considered to be domestic pets and/or the sale of grooming services and/or domestic pet supplies and accessories (including but not limited to food, bedding, toys, grooming products, collars, leashes and the like).

(b) Retail sales of dogs and/or cats prohibited. No pet store or pet supply 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 within the Village of Royal Palm Beach.

(c) Exemptions. This section does not apply to an animal shelter, an animal rescue organization, or an animal shelter or animal rescue organization that operates out of or in connection with a pet store or pet supply store.

(d) Adoption of shelter and rescue animals. Nothing in this section shall prevent a pet store or pet supply store, its owner, operator, or employees from providing space and appropriate care for dogs and cats at the store if such animals are owned by an animal shelter or animal rescue organization and are maintained at the store for the purpose of adopting those animals to the public.

(e) Enforcement.

(1) Any person who commits an act in violation of this section may be prosecuted for such violation in accordance with Chapter 2. Administration. of this Code of

Ordinances, Chapter 162, Florida Statutes, and/or any other means of enforcement available under state or federal law.

(2) The Village may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.

(f) Effective Date. Any pet store or pet supply store that is lawfully operating on the effective date of this Ordinance shall be permitted to continue its sale of dogs and cats for a period of time not to exceed eighteen (18) months from September 6, 2018, to wit: March 5, 2020.

Secs. 5-46 45—5-50. - Reserved.

Section 2: Each and every other Section and Sub-section of Chapter 5. Animals. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this 16th day of August, 2018.

SECOND AND FINAL READING this 6th day of September, 2018.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK