

1 EXHIBIT 1  
2 ORDINANCE 2017-  
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4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
5 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING  
6 CHAPTER 6 "ANIMALS", ARTICLE I, IN GENERAL, SECTION 6-  
7 12, ENTITLED "RETAIL SALE OF DOGS AND CATS", TO  
8 ALLOW FOR AND PROMOTE ADOPTION EVENTS AT PET  
9 STORES; REQUIRE DISCLOSURE OF OWNERSHIP;  
10 AMENDING PENALTIES; PROVIDING FOR CONFLICT;  
11 PROVIDING FOR CODIFICATION; PROVIDING FOR  
12 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.  
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15 **WHEREAS**, Section 6-12 of the City Code currently prohibits the sale of dogs and cats by  
16 pet stores and shops, with certain exceptions; and

17 **WHEREAS**, a more humane model is being adopted by cities nationally to promote the  
18 adoption of rescue animals and help reduce the euthanizing of millions of animals in shelters  
19 every year; and

20 **WHEREAS**, amending Section 6-12 would streamline and clarify the City's regulations,  
21 promote adoption of rescue animals, and require disclosure of the organization providing the  
22 animal for adoption; and

23 **WHEREAS**, the Mayor and the City Commission have determined that it is in the best  
24 interest of the residents of the City of Hallandale Beach to amend Chapter 6, Animals; Article I, In  
25 General; Section 6-12 to allow for adoption events of dogs and cats at pet stores and shops, and  
26 require disclosure of the organization providing the animal for adoption.

27 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**  
28 **HALLANDALE BEACH, FLORIDA:**  
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30 **SECTION 1.** Chapter 6, Animals; Article I, In General; Section 6-12, Retail sale of dogs  
31 and cats; is amended to read as follows:  
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**Sec. 6-12. - Retail sale of dogs and cats.**

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

"Animal care facility" means an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of stray, abandoned, or surrendered animals in permanent homes or with rescue organizations, and which does not breed animals.

*Animal rescue organization* means a duly incorporated nonprofit organization devoted to the rescue, care and adoption 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.

~~*Certificate of source* means a document declaring the source of origin of the dog or cat sold or transferred or offered for sale or transfer. A certificate of source shall include the name and address of the original source of the dog or cat and license information if the original source breeder is licensed by the United States Department of Agriculture and shall be signed by both the pet store certifying the accuracy of the certificate and by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate.~~

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

~~*Pet 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 animals for sale as pets to the general public. Such definition shall not include an animal care facility or animal rescue organization, or a person or establishment that sells, exchanges, barter, or offers for sale only animals that were bred or reared on the premises of such person or establishment. (see also "pet shop," section 6-1).~~

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

- (b) *Sale or transfer of dogs and/or cats.* No pet 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 in the City of Hallandale Beach. Nothing in this section shall prevent a pet shop from providing

space and appropriate care for cats and dogs owned by an animal care facility or an animal rescue organization and maintained at the pet shop for the purpose of adopting those animals to the public.

~~(c)~~ ~~Exemptions. This section does not apply to:~~

~~(1) — A person or pet store 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 and zoned for the person or pet store.~~

~~(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 store.~~

~~(d)~~(c) ~~Certificate of source. Disclosures.~~

~~A pet store shall post and maintain, on or within three feet of each dog's or cat's kennel, cage or enclosure, a certificate of source of each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred. that provides space for the adoption of cats or dogs shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign stating the name of the animal care facility or animal rescue organization which owns the dog or cat offered for adoption.~~

~~(e)~~(d) ~~Violations—Enforcement.~~

(1) Any person who violates this section shall be subject to the penalties set forth in section 9-5 of this Code of Ordinances, Chapter 162, Florida Statutes, and/or any other means of enforcement available under state or federal law, inclusive.

(2) Additionally, the city may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.

(3) In addition to any other penalty, a pet store owner who is found to have falsified ~~a certificate of source~~ the disclosure required in paragraph (c) of this section shall pay \$2,500.00 in damages to ~~each recipient~~ any person adopting, purchasing or taking possession of the dog or cat subject of such falsified disclosure ~~certificate.~~

(4) Each dog or cat sold, exchanged, bartered, offered for sale, auctioned, delivered, or transferred in violation of this section shall constitute a separate offense. Each failure to post a sign for an individual dog or cat as required by this section shall constitute a separate offense.

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**SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

**SECTION 3. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 4. Severability.** Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> reading on May \_\_\_\_, 2017.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on \_\_\_\_, 2017.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: COMMISSIONER MICHELE LAZAROW

ATTEST:

\_\_\_\_\_  
MARIO BATAILLE, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and  
FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY