

ORDINANCE No. 2024-02

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 3 “ANIMALS” OF THE CITY OF DORAL CODE OF ORDINANCES TO CREATE ARTICLE IV, “REQUIREMENTS FOR SALES OF DOGS AND CATS,” TO PROVIDE FOR REGULATIONS GOVERNING THE BREEDING AND SALE OF DOGS AND CATS AND LICENSING OF KENNELS, BREEDERS, PET DEALERS, PET CARE CENTERS AND HOBBY BREEDERS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the humane treatment of animals is an important public purpose;
and

WHEREAS, according to the Humane Society of the United States, more than a million dogs and cats in the United States are housed and bred each year at substandard breeding facilities known as “puppy mills” or “kitten factories,” (“Facilities”), that mass-produce animals for sale to the public; and

WHEREAS, the United States Department of Agriculture (“USDA”) monitors dog breeding facilities for compliance with the Animal Welfare Act, and its inspection reports and enforcement records document problems found at puppy mills and kitten factories including: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, breeding animals used in these Facilities are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle, as documented by the USDA; and

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

WHEREAS, Section 5-10 of the Miami-Dade County ("County") Code of Ordinances ("Code"), is designated and known as the "Miami-Dade Puppy Mill Cruelty Prevention Ordinance", which regulates the retail sale of dogs and cats in the County and provides for minimum standards; and

WHEREAS, pursuant to Section 5-10(m) of the County Code, any municipality may adopt or enforce additional regulations governing the sale of animals within the boundaries of such municipality, provided that any such municipal regulation shall not be less restrictive than the provisions of said chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality; and

WHEREAS, the City's Animal Welfare Committee recommends that the City adopts its own Puppy Mill Cruelty Prevention Ordinance; and

WHEREAS, the City Council believes that adopting the County's regulations governing the sale of dogs and cats in the City will allow for additional enforcement by the City, promote community awareness of animal welfare, foster a more humane environment, and encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. Chapter 3 of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Chapter 3 – ANIMALS

Secs. 3-56 – 3-99. - Reserved.

ARTICLE IV. – REQUIREMENTS FOR SALES OF DOGS AND CATS

3-100. City of Doral Puppy Mill Cruelty Prevention Ordinance

(a) Designation and Legislative Intent. This ordinance shall be designated and known as the "City of Doral Puppy Mill Cruelty Prevention Ordinance." The City Council for the City of Doral, Florida, hereby declares and finds that puppy mills and kitten factories are inhumane and unsanitary commercial breeding facilities in which the health of the animals is disregarded to maintain a low overhead and maximize profits, with documented and widespread instances of: unsanitary conditions leading to infectious diseases; overcrowding in cages of large numbers of animals; a consistent lack of proper veterinary care for severe illnesses and injuries; a consistent lack of protection from harsh weather conditions; and a consistent lack of adequate food and water. The City Council further declares and finds that animals from mills often face an array of communicable diseases, genetic disorders, and other health problems that may present immediately after sale or not until several years later, and that lead to costly veterinary bills and distress to consumers. The City Council further finds that stopping puppy mills and kitten factories, many of which are located outside the City's enforcement jurisdiction, requires discouraging the purchase and sale of puppies and kittens produced at these inhumane facilities. For these reasons, the City Council finds that it is reasonable and necessary to provide the following minimum standards governing the sale of dogs and cats to protect

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

the health, safety, and welfare of both animals and pet owners.

(b) Definitions.

As used in this Article, unless otherwise provided, the following terms shall be defined as follows:

Animal Rescue Organization means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction in which the not-for profit legal entity is headquartered.

Breeder means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. It is provided, however, that this classification shall not apply to: a hobby breeder, as defined in this section; or to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of dogs kept on the premises does not constitute a kennel. For purposes of land use or land development regulations, an establishment used by a breeder for the breeding of dogs, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel. Breeders that sell directly to the public shall also be subject to regulation as pet dealers.

Cat means an animal of any age of the genus *Felis catus*.

County means Miami-Dade County.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Dog means an animal of any age of the genus Canis lupus familiaris or resultant hybrids.

Hobby breeder means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell no more than two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.

Pet dealer means any person that engages in the sale to the public of dogs or cats, regardless of number. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.

Pet shop means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.

Public animal shelter means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity.

Sale means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

(c) Permitted Sources. Pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City of Doral, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:

(1) A breeder that is registered in accordance with Chapter 5 of the County's Code of Ordinances, or an out-of-County breeder that complies with the standards of care set forth in Section 5-9 of the County's Code of Ordinances; or

(2) A public animal shelter, as defined herein; or

(3) An animal rescue organization, as defined herein; or

(4) A hobby breeder registered in accordance with Chapter 5 of the County's Code, or an out-of-County person or entity that either: (a) has a similar registration in his or her home jurisdiction; or (b) that resides in a jurisdiction that does not offer such registration but otherwise meets the definition of "hobby breeder" as set forth in Section 5-1 of the County Code.

(5) Enforcement. A pet shop or pet dealer who relies on the representations of an out-of-County source to show compliance with the requirements of this section shall not be subject to monetary penalties for a first-time violation of this section if the source is later discovered not to comply with these requirements, so long as the pet shop or pet dealer shows: (i) that it relied on the source's representations in good faith; and (ii) that it immediately ceased obtaining animals from that source upon learning of the source's non-compliance. Subsequent violations of this source requirement may subject the pet shop or pet dealer to monetary penalties, in addition to any other penalties that may be imposed.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

(d) Certificate of Source. A pet dealer or pet shop shall post and maintain 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. The certificate of source shall be posted on or within three (3) feet of the primary enclosure of the identified dog or cat.

(e) Exemptions. Public animal shelters and animal rescue organizations shall be exempt from the requirements of this section.

(f) Enforcement and penalties. Violations of this section shall be enforced in accordance with chapter 11 of the City Code. For violations of this article, the fines shall be no less than \$500.00. Any person who has been issued a citation for committing an act in violation of a section of this article may contest the citation before the city's special magistrate, the decision of which may be appealed to the appellate division of the Miami-Dade County Circuit Court. Any person who willfully refuses to sign and accept a citation issued by an code inspector shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. §§ 775.082, 775.083, or 775.084, Florida Statutes.

Section 3. **Repealer.** All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. **Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. **Incorporation Into the Code.** It is the intention of the Mayor and the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 6. **Effective Date.** This Ordinance will become effective ten (10) days after adoption at second reading.

The foregoing Ordinance was offered by Vice Mayor Puig-Corve who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED on FIRST READING this 10 day of January, 2024.

PASSED AND ADOPTED on SECOND READING this 14 day of February, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.