Legislation Details (With Text)

File #:	17-094	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Passed
File created:	1/11/2017			**In control:**	City Commission
On agenda:	2/7/2017			**Final action:**	2/7/2017
Title:	ORDINANCE NO. 01-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 91, “ANIMALS”, BY REPEALING SECTION 91.18, “RETAIL SALE OF DOGS AND CATS” AND READOPTING SAME, AS REVISED IN ORDER TO REQUIRE PERMITS FOR ADOPTION EVENTS, PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 91. 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. (SECOND READING)				
Sponsors:	City Attorney Department				
Indexes:					
Code sections:					
Attachments:	1. Ord 01-17 amending Retail Sale of Dogs and Cats-2nd Reading -Final				

Date	Ver.	Action By	Action	Result
2/7/2017	1	City Commission	adopted	

TO: **Mayor and Commissioners**
FROM: **Max Lohman, City Attorney**
DATE: **February 7, 2017**

ORDINANCE NO. 01-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 91, “ANIMALS”, BY REPEALING SECTION 91.18, “RETAIL SALE OF DOGS AND CATS” AND READOPTING SAME, AS REVISED IN ORDER TO REQUIRE PERMITS FOR ADOPTION EVENTS, PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 91. 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. (SECOND READING)

Recommended Action:

Motion to Adopt Ordinance No. 01-17, amending section 91.18 in order to limit and/or regulate the number of adoption events that may be hosted by pet stores based upon its size. Such events shall now require a permit prior to hosting an adoption event. Addtionally, a maximum adoption fee has been established. Any amount charged or collected which exceeds such maximum has been declared a retail sale in violation of the ordinance.

Background:

On March 15, 2016, the City Commission adopted Ordinance No. 07-16 making it unlawful for a pet store or other retailer to display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer,

offer for sale, or otherwise dispose of dogs or cats in the City of Delray Beach. One exception to the Ordinance provided that animal shelters and animal rescue organizations, as were defined in the ordinance, were permitted to operate on their own or out of or in connection with a pet store.

Since its passing, Ordinance No. 07-16 has left open various channels for Pet Rescue organizations to operate as *de facto* pet stores. This amendment is necessary in order to carry out the City Commission's original intentions. By imposing reasonable requirements for businesses hosting adoption events, the City's goal of encouraging adoption and compliance with section 91.18 will be furthered. In addition, by regulating the number of events hosted per calendar year, requiring permits for same, and limiting the maximum adoption charges to $300 per adoption, the City will ensure that consumers will be offered legitimately rescued, abandoned and surrendered animals for adoption.

powered by Legistar™