

**CITY OF POMPANO BEACH
Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF POMPANO BEACH, FLORIDA, AMENDING
CHAPTER 90, "ANIMALS," BY AMENDING SECTION
90.39, "RETAIL SALE OF DOGS AND CATS," TO MODIFY
THE DEFINITION OF HOBBY BREEDER FOR
CLARIFICATION; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a newspaper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 90.39, "Retail Sale of Dogs and Cats," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.39 RETAIL SALE OF DOGS AND CATS.

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

ANIMAL RESCUE ORGANIZATION. The Humane Society or other duly incorporated nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue

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

ANIMAL SHELTER. A municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and/or adoption of stray, abandoned or surrendered animals, and which does not breed animals.

CAT. An animal of any age of the Felidae family of the order Carnivora.

CERTIFICATE OF SOURCE. A document from the source city or county animal shelter or animal control agency, humane society, non-profit rescue organization or hobby breeder declaring the source of origin of a dog or cat on the premises to be sold or transferred or offered for sale or transfer. A Certificate of Source shall include at a minimum, a brief description of the dog or cat, the name, address, telephone number and e-mail address of the source of the dog or cat, 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 of Source.

DOG. An animal of any age of the Canidae family of the order Carnivora.

HOBBY BREEDER. Any person or entity located within, and registered with the City that causes or allows the breeding or studding of a its own dogs or cats resulting in no more than a total of one litter per adult animal per calendar year whether or not the animals in such litter are offered for sale or other transfer.

PET STORE. 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.

PET STORE OPERATOR. 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 Pompano Beach on or after the effective date of this section.

(C) Exemptions. This section does not apply to:

(1) A Hobby Breeder as defined herein.

(2) A person 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 ~~zoned~~ approved for such purpose within the City of Pompano Beach and owned by such person and that has obtained all required city approvals for such purpose.

(3) An animal shelter.

(4) An animal rescue organization.

(5) An animal shelter or animal rescue organization that operates out of or in connection with a pet store or other retail store.

(D) Certificate of source. A pet store shall post and maintain in a conspicuous place, 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.

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

(F) Violations; enforcement. Any person who violates this Section shall be subject to a fine of up to \$500.00 per day for a violation in accordance with § 10.99 of the City's Code of Ordinances.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

SECTION 4. The provisions of this Ordinance shall not be applied retroactively.

PASSED FIRST READING this _____ day of _____, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm
8/12/25
L:ord/ch90/2025-237