

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,” MODIFYING CERTAIN DEFINITIONS AND PROVIDING ADDITIONAL DEFINITIONS; BY CREATING FURTHER REGULATIONS APPLICABLE TO THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY; AND BY ESTABLISHING A RETENTION PRIVILEGE FOR EXISTING PET SHOPS; 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.~~

DISQUALIFYING SUPPLIER. Any Supplier prohibited under this section, including:

(i) any breeder that does not qualify as a Hobby Breeder as defined herein; and/or

(ii) any supplier with more than one (1) violation within a three (3) year period of any federal, state, or local law or regulation relating to the breeding, transportation, or sale of dogs and/or cats.

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

EXISTING LAWFUL PET STORE. A pet store lawfully operating within the City, with a valid City Business Tax Receipt, on or before the effective date of this section and any revisions thereto, and legally engaged in the retail sale of dogs and/or cats.

FINAL AGENCY ACTION / FINAL ADJUDICATED VIOLATION. A violation, citation, order, suspension, revocation, or enforcement finding that is final and no longer subject to administrative appeal, or that has been affirmed by final order or judgment.

HOBBY BREEDER. Any person or entity that causes or allows the breeding or studing of a dog or cat 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, and who meets the additional requirements of all federal and state law including but not limited to Chapter 828.29 F.S. as existing or as may be amended.

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.

RETENTION PRIVILEGE. A conditional and revocable authorization allowing an Existing Lawful Pet Store to continue the retail sale of dogs and/or cats only while in continuous compliance with this section and all county, state and federal laws.

(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 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.

(6) Existing Lawful Pet Store with a retention privilege as set forth in subsection (G) below, and that obtains dogs and/or cats from Hobby Breeders, animal shelters, and/or animal rescue organizations, and shall not obtain any dog and/or cat from a disqualifying supplier.

(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.

At a minimum, the Certificate of Source shall include the following:

(1) Animal description. A brief description of the dog or cat, including breed (if represented), sex, color/markings, approximate age or date of birth (if known), and any microchip number or other identifying number;

(2) Breeder/source identity. The name, address, telephone number, e-mail address (if available), and license number(s) (if applicable) of the breeder or source of origin of the dog or cat;

(3) Intermediaries/brokers/dealers/distributors. The name, address, telephone number, e-mail address (if available), and license number(s) (if applicable) of each broker, dealer, distributor, intermediary, transporter, or other Supplier in the chain of custody;

(4) Dates of transfer. The dates of each transfer in the chain of custody, to the extent known or reasonably ascertainable by the pet store;

(5) Identifying records linking the animal to the source chain. Records or identifying information sufficient to link the specific dog or cat to the breeder/source of origin and each transfer in the chain of custody, including invoices, transfer records, intake records, veterinary records, transport records, or other source documentation;

(6) Store certification. A certification signed by the pet store operator, under penalty of perjury, attesting that the information provided is true and correct to the best of the pet store operator's knowledge after reasonable inquiry and record review; and

(7) Purchaser acknowledgment. A signed acknowledgment by the purchaser or transferee confirming receipt of the Certificate of Source at the time of sale or transfer.

Failure to provide a complete and accurate Certificate of Source, including chain-of-custody information required by this section, shall constitute a violation of this section and may be grounds for suspension and/or revocation of the Retention Privilege.

(E) Adoption placements by shelters and rescues. 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.~~

(F) Amortization. Existing pet shops possessing an active City of Pompano Beach Business Tax Receipt shall have a period of 90 days from the enactment of this Ordinance to come into compliance with the reporting requirements of subsections D and G.

(G) Retention Privilege for Existing Pet Shops. All lawfully operating pet shops with a valid City Business Tax Receipt, in existence, on or before the effective date of this section, shall be permitted to continue the retail sale of dogs and cats in the City of Pompano Beach in accordance with their respective business models, provided, however, each existing pet shop is at all times in full compliance with any and all existing and future retail sale regulations adopted by the City for existing pet shops and provided they are in compliance with the applicable provisions of this ordinance and the additional restrictions set forth below:

(1) An owner of an existing pet shop shall be permitted to transfer, assign, sell, or relocate their existing pet shop within the City. The transferee, assignee, or new owner must comply with any and all existing and future retail sale regulations adopted by the City for existing pet shops, the applicable provisions of this ordinance, and any additional restrictions set forth herein.

(2) An owner of an existing pet shop shall not be permitted to open any additional pet store locations within the City of Pompano Beach as of the date of the ordinance from which this subsection was adopted.

(3) An existing pet shop owner that allows any of their Federal, State, and/or local occupational business tax, or other requirements related to the operation of their business, to lapse, making them legally ineligible to operate their business, or voluntarily abandons their respective retail sale business model, for a period of more than 90 days, shall lose their retention privilege of reopening and operating in its usual manner and shall be obligated to fully comply with the provisions of this ordinance for the retail sale of dogs and cats in the City and all other requirements pertaining thereto.

(4) Pet shops in existence, on or before the effective date of the ordinance establishing this section, and found to have received, after the effective date of the section or at any time while the existing pet shop is acting under the retention privilege and any and all rights appurtenant thereto, who are subject to any final determination or adjudication of one or more violations of any Federal or State administrative rule, regulation, or statute administered or enforced by the United States Department of Agriculture (USDA), the Florida Department of Agriculture and Consumer Services, or any other State or local agency with jurisdiction, resulting in three or more final determination or adjudication of violation, whether administrative, civil, or criminal, including, but not limited to, any consent decree, final agency order, court order, verdict, plea of guilty or plea of nolo contendere, shall be evidence to be considered when determining whether an existing pet shop shall lose their retention privilege and shall not be permitted to continue the retail sale of dogs and cats in the City in accordance with their respective business models.

(5) Annual Registration. All owners of existing pet shops (including any and all transferees, assignees, or new owners) shall be obligated to annually register their business by submitting the following information, which may be subject to independent audit, to the Department of Public Works Division of Animal Control by the first of October each year:

(a) Business name; and

(b) Business mailing address/physical location; and

(c) Business owner's name and mailing address; and

(d) Federal tax ID number, if applicable; and

(e) USDA license number, if applicable; and

(f) A current list of all Suppliers currently utilized or proposed Suppliers to be used for the acquisition of dogs and cats; and

(g) A sworn certification, under penalty of perjury, that the Pet Store will not acquire, offer for sale, or sell any dog or cat from a Disqualifying Supplier, whether directly or indirectly; and

(h) Supporting business documentation, which shall include:

(i) Proof of its business operations through any Federal, State, or local business/occupational licenses, tax receipts, or other documentation readily authenticated as true and correct documents; and

(ii) Proof of its retail sales business and location through franchise agreements, leases, or other documentation readily authenticated as true and correct documents; and

(iii) Any other such documentation related to the acquisition, care, and sale of the animals that may be found necessary by the Department of Public Works Division of Animal Control in any internal policies and procedures promulgated for the implementation of this ordinance.

(6) Initial Registration. All owners of existing pet shops shall be required to initially register for the retention privilege by complying with the registration requirements set forth above, within 90 days of the effective date of this article. Pet shops that are transferred, sold, or assigned by an existing pet shop owner, after the effective date of the ordinance from which this section was derived, shall be required to register, by complying with the registration requirements set forth above, within 90 days of the transfer, sale, or assignment.

(7) Inspection and Production of Records. Records for any animal currently offered for sale shall be produced for inspection and copying upon request from authorized personnel. Failure to maintain or produce the required business records shall constitute a violation of this section and may be grounds for suspension or revocation of the Retention Privilege.

(8) Recordkeeping. The Existing Lawful Pet Store shall maintain complete and accurate records for each dog or cat offered for sale, including source records, transfer/purchase records, and required health/veterinary records, for at least seven (7) years.

(H) Violations; enforcement. Any person who violates this Section shall be subject to the civil penalty in accordance with § 90.99.

The provisions and procedures contained in this chapter shall be non-exclusive and in addition to and supplemental to any other remedies now existing or subsequently provided for by law.

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 _____, 2026.

PASSED SECOND READING this _____ day of _____, 2026.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

TAL/MEB/mcm
4/22/26
L:ord/ch90/2026-131