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**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL REPEALING CHAPTER 14 TITLED "ANIMALS" IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 4 TITLED "ANIMALS," AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNNECESSARY AND OBSOLETE PROVISIONS, AND ADOPT THE COUNTY ANIMAL REGULATION ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Wellington Village Council, as the governing body of Wellington has the authority, pursuant to Article VIII, section 3 of the Florida Constitution, and Chapters 166 of the Florida Statutes, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

**WHEREAS**, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety and welfare of its citizens; and

**WHEREAS**, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA:**

**SECTION 1:** Chapter 14 of Wellington’s Code of Ordinances is hereby repealed in its entirety and is amended and renumbered as Chapter 4 titled “Animals” and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

**SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 5:** This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on second and final reading.

**WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Anne Gerwig, Mayor	_____	_____
_____ John McGovern, Vice Mayor	_____	_____
_____ Michael Drahos, Councilman	_____	_____
_____ Michael Napoleone, Councilman	_____	_____
_____ Tanya Siskind, Councilwoman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Laurie S. Cohen, Village Attorney

## EXHIBIT "A"

### Chapter 14—~~ANIMALS~~<sup>11</sup>

#### Footnotes:

~~—(1)—~~

**Cross-reference**—Environment, ch. 30.

**State Law reference**—Wildlife, F.S. ch. 372; damage by dogs, F.S. ch. 767; cruelty to animals, F.S. ch. 828.

~~Sec. 14-1.—Adoption of county animal regulation ordinance.~~

The provisions of chapter 4, entitled "Animals" of the Palm Beach County Code of Ordinances, entitled the "Palm Beach County Animal Regulation Ordinance of 1989," are hereby adopted and incorporated into this chapter by reference in this section.

~~(Ord. No. 96-13, § 1, 5-28-96)~~

~~Sec. 14-2.—Retail sale of dogs and cats/prohibition of puppy and kitten mills.~~

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

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

~~*Dog* means an animal of the Canidae family of the 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.~~

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

~~*Puppy or kitten mill* means a facility where dogs and cats are bred for the purpose of selling them and where any two of the following conditions are found to exist:~~

~~(1)—More than 20 puppies (under the age of 12 weeks) or more than 20 kittens (under the age of 16 weeks) are kept at a single time;~~

~~(2)—No genetic (heredity) health testing appropriate for the breed is conducted;~~

~~(3)—No long-term (over one year) guarantees are offered;~~

~~(4)—A single female is bred every cycle;~~

~~(5)—A single female is bred more than five times;~~

~~(6)—There are no records of the dogs' or cats' parents;~~

~~(7) — More than eight dogs or kittens are kept in a single enclosure. For purposes of this section, the space requirements for dogs and cats/kittens shall comply with section 4-23(h)(3)(d)(1)(D)(i) though (vii) and section 4-23(h)(3)(d)(1)(E)(i)(a)-(b) of the Palm Beach County Code of Ordinances known as the Palm Beach County Animal Care and Control Ordinance of 1998.~~

~~(b) — *Puppy and kitten mills.* It shall be unlawful for any person or entity to establish, operate or maintain a puppy or kitten mill in the Village of Wellington.~~

~~(c) — *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 Village of Wellington.~~

~~(d) — *Exemptions.* This section does not apply to:~~

~~(1) — 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 owned by the person~~

~~(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.~~

~~(e) — *Adoption of shelter and rescue animals.* 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 an animal shelter or animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public.~~

~~(f) — *Violations—Enforcement.*~~

~~(1) — Any person who violates this section shall be subject to penalties set forth in section 1-12 of this Code of Ordinances.~~

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

~~(Ord. No. 2014-02, § 1, 1-28-14)~~

## **CHAPTER 4 - ANIMALS**

### **Sec. 4-1: Adoption of County Animal Regulation Ordinance**

The provisions of chapter 4, entitled "Animals" of the Palm Beach County Code of Ordinances, designated as the "Palm Beach County Animal Care and Control Ordinance," are hereby adopted and incorporated into this chapter by reference in this section.

### **Sec. 4-2: Retail Sale of Dogs and Cats; Prohibition of Puppy and Kitten Mills**

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

***Animal Rescue Organization*** means a duly incorporated nonprofit organization devoted to the rescue, care and adopting 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 that does not breed animals.

**Cat** means an animal of the Felidae family of the order Carnivora.

**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.

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

**Puppy Mill or Kitten Mill** means a facility where dogs or cats are bred for the purpose of selling them and where any two of the following conditions are found to exist:

1. More than 20 puppies (under the age of 12 weeks) or more than 20 kittens (under the age of 16 weeks) are kept at a single time;
2. No genetic (heredity) health testing appropriate for the breed is conducted;
3. No long-term (over one year) guarantees are offered;
4. A single female is bred every cycle;
5. A single female is bred more than five times;
6. There are no records of the dogs' or cats' parents;
7. More than eight dogs or kittens are kept in a single enclosure. For purposes of this section, the space requirements for dogs and cats/kittens shall comply with section 4-23(h)(3)(d)(1)(D)(i) though (vii) and section 4-23(h)(3)(d)(1)(E)(i)(a)-(b) of the Palm Beach County Code of Ordinances designated as the Palm Beach County Animal Care and Control Ordinance.

**B. Puppy Mills and Kitten Mills:** It shall be unlawful for any person or entity to establish, operate or maintain a puppy mill or kitten mill in Wellington.

**C. Sale or Transfer of Dogs 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 Wellington.

**D. Exemptions:** This section does not apply to:

1. 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 owned by the person.
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.

**E. Adoption of shelter and rescue animals:** 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 an animal shelter or animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public.

**F. Violations and Enforcement:**

1. Any person who violates this section shall be subject to penalties set forth in section 1-11 of this Code of Ordinances.
2. Additionally, Wellington may initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.