

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON WEDNESDAY, JUNE 11, 2014

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Wednesday, June 11, 2014, at 1:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Pucillo, and seconded by Committee Chair Townsend, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. New Business

1) Consideration of a Town Ordinance Prohibiting Sale of Animals and Fowl

Deputy Town Manager Bradford provided an overview of the item and the Village of Wellington ordinance regarding same.

Discussion ensued regarding the Wellington ordinance, allowing animal rescue group events, not prohibiting pet stores or presupposing that all pet stores are supplied by “puppy mills”, and federal and commerce laws.

Laurie Brown, Wellington, spoke regarding the accounts that she had heard regarding the health and deaths of dogs bought in pet stores, and spoke regarding the efforts other municipalities have undertaken to combat the puppy mill problem. She also provided a background on how poor the industry is regulated and the legal minimum standards for housing dogs. She spoke regarding animal shelters and stated that this is also a taxpayer and consumer protection issue.

1 Discussion ensued regarding prohibitions on interstate commerce and
2 justifications for such ordinances.
3

4 Terry Mersentes, associated with the Humane Society of the United States
5 and Tri-County Humane Society Board Member, spoke regarding the
6 organizations' legislative measures for animal welfare, the state of the
7 animals that come into the shelters, the costs to taxpayers and private
8 organizations, consumer protection, emotional protection, and a puppy
9 mill in the Acreage where 67 animals were seized. She stated that the
10 animal welfare regulations are too weak and easy to evade. She
11 recommended some of the models used such as Pet Smart and PetCo that
12 do dog and cat adoptions, but also sell fish and other small animals. She
13 stated that she is not in support of any sale of animals on store premises.
14

15 Rich Anderson, Executive Director Peggy Adams Rescue League, spoke
16 regarding the number of pets already available in shelters. This is a
17 consumer protection, taxpayer, and humane issue. He stated that the fact
18 that there aren't any pet stores in the Town already gives the Town a great
19 advantage in this effort and that momentum is gaining on this issue. He
20 stated that he is not in support of any sale of animals on store premises.
21

22 Assistant Planning, Zoning, and Building Director Close stated that there
23 is a pet store in town, but that it sells retail items and offers grooming
24 services only.
25

26 Town Attorney Randolph stated that one option is to amend the Code to
27 prohibit the sale of pets within stores within the town. If the town does
28 choose that option, he recommended doing a zoning in progress. He
29 concurred that the fact that there aren't any pet stores in the Town
30 simplifies the matter.
31

32 Raychel Houston, Parking/Code Enforcement Manager, stated that Palm
33 Beach Gardens put this matter under their animal ordinance, not their
34 zoning ordinance, and spoke regarding some of the other provisions in
35 their ordinance.
36

37 Discussion ensued regarding the enforcement of a prohibition on the sale
38 of animals unless they came from an animal rescue organization or a
39 public animal shelter.
40

41 Heidi Nelson, Peggy Adams Animal Rescue, stated that any animal that
42 they have for adoption in a store is required to have a health certificate and
43 a rabies certificate signed by a veterinarian. Palm Beach County Code
44 also requires that any pet for sale in a store has the origin of the pet listed.
45
46

Parking/Code Enforcement Manager Houston stated that the Town could enforce the ordinance with that documentation.

Discussion ensued regarding the City of Miami Beach ordinance which prohibits the sale of animals unless they come from an animal rescue organization or a public animal shelter, and whether or not the ordinance should be adopted under the zoning ordinance or the animal ordinance.

Committee Member Pucillo stated that, based upon the testimony that the Committee has heard, there is enough evidence to determine that there is a consumer protection issue here, in terms of protecting the citizens of the Town of Palm Beach from buying dogs or cats that may require substantial care. This would help avoid deceptive sales practices where puppies may be sold under circumstances where there is not complete and full disclosure of their condition or their origin, which would lead to problems for the residents. There is also a taxpayer issue here with respect to the expense of dealing with animals that are sold in this fashion and the cost of animal shelters. He added that he believes there has been a sufficient showing for the Town to exercise its police power as a municipality to ban stores that sell dogs and cats other than those from animal shelters or animal rescue organizations, in a manner similar to that of the City of Miami Beach's ordinance.

Motion was made by Committee Chair Townsend, and seconded by Committee Member Pucillo, to recommend that the Town Council approve an ordinance prohibiting the sale of animals unless they come from an animal rescue organization or a public animal shelter, as modeled in the City of Miami Beach ordinance. The Council President and Town Manager shall decide if the ordinance shall go on the July 15, 2014, Town Council meeting agenda for first reading or for discussion. Included with the ORS Report will be a copy of the draft ordinance. On call for a vote, the motion carried unanimously.

V. ANY OTHER MATTERS

Committee Chair Townsend spoke regarding the scheduling of the next ORS meeting.

Deputy Town Manager Bradford stated that ORS needs to meet in July to discuss an ordinance protecting the Town seal, vehicles for hire, and a number of to-do list items that Committee Chair Townsend wants to bring forward.

It was the consensus of the Committee to schedule the next meeting for July 17, 2014, following the special meeting on the budget.

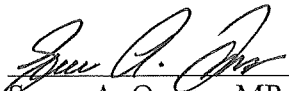
1 **VI. ADJOURNMENT**

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3 There being no further business, the Ordinances, Rules, and Standards Committee
4 Meeting of Wednesday, June 11, 2014, was adjourned at 2:00 p.m.
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8 APPROVED:

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11 Penelope D. Townsend
12 Chair
13

14 ATTEST:

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16 
17 Susan A. Owens, MPA, MMC
18 Town Clerk
19
20

21
22 8/12/14
23 Date

