

- **Sec. 5-9. - Standards of care for kennels, breeders, pet dealers, and pet care centers.**

In addition to complying with the provisions of [Section 5-4](#) of this Code regarding cruelty to animals, all kennels, breeders, pet dealers, and pet care centers, including providers of mobile grooming services, located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

(a) *Housing facilities.* Indoor and outdoor housing facilities for animals shall be maintained so as to contain the animal on the property at all times and to protect the animal from injury.

(b) *Storage of food.* Supplies of food shall be stored in sealed containers or other containers which protect the food against insect and vermin infestation and contamination. Refrigeration shall be provided where necessary to prevent the spoiling of food.

(c) *Ventilation.* Indoor housing facilities for animals shall be ventilated with fresh air by means of windows, doors, vents, fans, or air-conditioning to provide for the animals' health, comfort and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ambient temperature in an indoor housing facility shall be maintained between fifty (50) degrees and eighty-five (85) degrees Fahrenheit.

(d) *Primary enclosures.* All primary enclosures for animals shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.

(1) Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.

(2) The floors of the primary enclosure shall be a solid surface that is impervious to moisture, does not sag to the weight of a dog or cat, and protects each animal's feet and toes from injury; and newspaper or a receptacle containing litter shall be provided to contain excreta.

(3) Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal.

(4) Separation. The following restrictions apply to primary enclosures that house multiple dogs and cats:

(i) Intact females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(ii) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.

(iii) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animal.

(5) Primary enclosures shall not be placed on top of or below another animal's primary enclosure; it is provided, however, that primary enclosures manufactured in stacked units may be utilized, provided that each individual unit complies with the requirements of this section.

(e) *Sanitation.* Housing facilities shall be cleaned at least daily. Primary enclosures, including top, sides, floor, grate, and door, shall be cleaned with soap and disinfectant at least daily. Pet care centers shall clean each primary enclosure after each animal occupant departs for the day.

(f) *Breeding.* Each female dog or cat that is used for breeding shall be microchipped. No female dog or cat shall be bred to cause the birth of more than one (1) litter once every twelve (12) months unless certified in writing by a licensed veterinarian to be necessary and in the best medical interest of the animal. Animals shall not be bred while they are injured or ill, and animals that have known or obvious congenital or hereditary diseases shall not be used for breeding.

(1) *Exercise.* In addition to a primary enclosure that complies with the requirements of this section, each dog used for breeding shall have access to an outdoor, ground-level exercise area.

(g) *Quarantine.* Animals under quarantine or treatment for a communicable disease shall be housed according to generally accepted veterinary medical requirements, except that a pet care center shall not accept any animal that has a known or suspected communicable or infectious disease.

(h) *USDA License.* If a breeder or pet dealer is subject to the licensing requirements of the United States Department of Agriculture (USDA), the breeder or pet dealer shall be prohibited from selling, or supplying for sale, dogs or cats in Miami-Dade County if, within the preceding three (3) years, the breeder or pet dealer has received a final inspection report documenting or has otherwise been found to have committed: a "direct noncompliance" of the Animal Welfare Act, 7 U.S.C. Ch. 54, or regulations promulgated pursuant thereto, 9 C.F.R. Ch. I, Subch. A.; or a "refusal of inspection." A "direct" noncompliance means a noncompliance, as defined in the USDA Animal and Plant Health Inspection Service, Animal Welfare Inspection Guide at [2-5](#) (2013), that is currently adversely affecting the health and well-being of the animal, or has the high potential to adversely affect the health and well-being of the animal in the near or immediate future. A "refusal of inspection" means, as defined in the Animal Welfare Inspection Guide at [2-11](#), a refusal to allow a USDA inspector to inspect the premises, as required pursuant to 9 C.F.R. § 2.126.

(i) *Records and medical release forms.*

(1) For all animals currently on the premises, records identifying the animal, including any license tag and microchip information, and containing the owner's name, address, and emergency telephone number shall be maintained.

(2) Breeders shall maintain records of each instance in which a female dog or cat is bred. Each female dog or cat shall be identified by microchip, and records of each date the animal gave birth and the number of offspring produced shall be maintained.

(3) Pet care centers, kennels, and pet dealers keeping an animal that is the property of a third party shall also obtain from the owner of each animal a medical emergency release form providing that emergency treatment may be provided if the animal shows signs of illness or is injured while in the care and custody of the pet care center, kennel, or pet dealer. The medical release form shall include the owner's name, address, emergency telephone number, veterinarian, and veterinarian's telephone number.

(j) *Grooming.* Where grooming services are provided:

(1) Clippers, combs, brushes and any other grooming equipment shall be disinfected after each animal.

(2) Clean, separate drying towels shall be used for each animal.

(3) Grooming bathtubs shall be cleaned with soap and disinfectant and rinsed after each animal and shall be maintained free of mold and mildew.

(4) All grooming equipment shall be maintained in good repair.

(k) *Exemptions.* Public animal shelters, animal rescue organizations that do not operate kennels, and hobby breeders as provided in [Section 5-13](#) of this chapter, shall be exempt from this section. It is provided, however, that a hobby breeder shall not use a female dog for breeding more than once every 12 months.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 12-80, § 3, 10-2-12; Ord. No. 14-76, § 2, 9-3-14)

- **Sec. 5-10. - Requirements for sales of dogs and cats.**

a) *Designation and Legislative Intent.* This ordinance shall be designated and known as the "Miami-Dade Puppy Mill Cruelty Prevention Ordinance." The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that puppy mills and kitten factories are inhumane and unsanitary commercial breeding facilities in which the health of the animals is disregarded to maintain a low overhead and maximize profits, with documented and widespread instances of: unsanitary conditions leading to infectious diseases; overcrowding in cages of large numbers of animals; a consistent lack of proper veterinary care for severe illnesses and injuries; a consistent lack of protection from harsh weather conditions; and a consistent lack of adequate food and water. The Board further declares and finds that animals from mills often face an array of communicable diseases, genetic disorders, and other health problems that may present immediately after sale or not until several years later, and that lead to costly veterinary bills and distress to consumers. The Board further finds that stopping puppy mills and kitten factories, many of which are located outside the County's enforcement jurisdiction, requires discouraging the purchase and sale of puppies and kittens produced at these inhumane facilities. In addition, the County has a pet overpopulation problem that results in many dogs and cats being abandoned at the County's Animal Shelter, and it is the policy of this Board to encourage the adoption of abandoned pets rather than adding new pets to the local population. For these reasons, the Board finds that it is reasonable and necessary to provide the following minimum standards governing the sale of dogs and cats to protect the health, safety, and welfare of both animals and pet owners.

(b) *Permitted Sources.* After December 31, 2014, pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in Miami-Dade County, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:

(1) A breeder that is registered in accordance with this chapter, or an out-of-County breeder that complies with the standards of care set forth in [Section 5-9](#) of this chapter; or

(2) A public animal shelter, as defined in this chapter; or

(3) An animal rescue organization, as defined in this chapter; or

(4) A hobby breeder registered in accordance with this chapter, or an out-of-County person or entity that either: (a) has a similar registration in his or her home jurisdiction; or (b) that resides in a jurisdiction that does not offer such registration but otherwise meets the definition of "hobby breeder" as set forth in [Section 5-1](#) of this chapter.

(5) *Enforcement.* A pet shop or pet dealer who relies on the representations of an out-of-County source to show compliance with the requirements of this section shall not be subject to monetary penalties for a first-time violation of this section if the source is later discovered not to comply with these requirements, so long as the pet shop or pet dealer shows: (i) that it relied on the source's representations in good faith; and (ii) that it immediately ceased obtaining animals from that source upon learning of the source's non-compliance. Subsequent violations of this source requirement may subject the pet

shop or pet dealer to monetary penalties, in addition to any other penalties that may be imposed.

(c) *Certificate of Source.* A pet dealer or pet shop shall post and maintain 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. The certificate of source shall be posted on or within three (3) feet of the primary enclosure of the identified dog or cat.

(d) *Tests, vaccines, and anthelmintics required for dogs.* Before a dog is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

(1) Canine distemper.

(2) Leptospirosis.

(3) Bordetella (which shall be administered in the State of Florida once before sale by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the official certificate of veterinary inspection).

(4) Parainfluenza.

(5) Hepatitis.

(6) Canine parvo.

(7) Rabies, if the dog is four (4) months of age or older and the inoculation is administered by a veterinarian.

(8) Roundworm.

(9) Hookworm.

(10) Whipworm.

Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

(e) *Tests, vaccines, and anthelmintics required for cats.* Before a cat is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

(1) Panleukopenia.

(2) Feline viral rhinotracheitis.

(3) Calici virus.

(4) Rabies, if the cat is four (4) months of age or older and the inoculation is administered by a veterinarian.

(5) Hookworm.

(6) Roundworm.

Each cat shall also be tested for feline leukemia virus and feline immunodeficiency virus (FIV) before being offered for sale.

(f) The tests, vaccines, and anthelmintics shall be administered prior to the dog or cat being offered for sale, unless a veterinarian certifies on the official certification of veterinary inspection that to vaccinate or deworm the dog or cat is not in the best medical interest of the dog or cat, in which case the vaccine or anthelmintic may not be administered to that particular dog or cat.

(g) If the dog or cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section shall be administered no more than twenty-one (21) days before sale within the County. If the dog or cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section shall be administered at or after three (3) months of age, but no more than one (1) year before the sale.

(h) *Microchip required.* All dogs and cats sold in the County shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated with the microchip and shall provide the microchip number and other identifying information to the Department. The seller shall also notify the Department and the applicable national registry within 48 hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

(i) *Certificate of Veterinary Inspection.* Each dog and cat shall be accompanied by an original current official certificate of veterinary inspection at all times while being offered for sale within the County. The buyer shall receive the original certificate. Copies of these certificates shall be held by the seller and the veterinarian for a period of three (3) years.

(j) The examination of each dog and cat by a veterinarian shall take place no more than thirty (30) days before the sale within the County.

(k) No person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

(l) *Exemptions.* Public animal shelters and animal rescue organizations shall be exempt from the requirements of this section.

(m) *Municipal regulations authorized.* Any municipality may adopt or enforce additional regulations governing the sales of animals within the boundaries of such municipality; provided that any such municipal regulation shall not be less restrictive than the provisions of this chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality.

(n) *Prohibition of Sale of Dogs and Cats in Rights-of-Way.* Notwithstanding any other provision of the Code, it shall be unlawful to sell, offer for sale, or display for purposes of sale any dog or cat within any right-of-way. Any person who violates the provisions of this subsection shall be subject to a civil penalty. Notwithstanding any other provision in this chapter, this subsection may be enforced by: any Animal Control Officer; any Code Inspector, as defined in [section 8CC-3\(a\)](#); or any County or municipal law enforcement officer. This subsection shall not be construed to prohibit any sign lawfully displayed within a right-of-way.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 14-76, § 3, 9-3-14; Ord. No. 19-106, § 1, 11-19-19)

- **Sec. 5-10.1. - Prohibition of pet leasing and pet-collateral transactions.**

(a) It shall be unlawful to lease a dog or cat. Any such contract entered into after the effective date of the ordinance [from which this section derives] shall be void as against public policy,

and the person who took possession of the dog or cat under such a contract shall be deemed the legal owner of the dog or cat.

(b) No contract for the sale or transfer of a dog or a cat or the financing of such sale or transfer shall include any provision that authorizes the use of a dog or a cat as collateral, by which such dog or cat may be repossessed if the purchaser defaults under such contract. Any such contract or financing arrangement entered into after the effective date of the ordinance [from which this section derives] shall be void as against public policy, and the person who took possession of the dog or cat under such a contract shall be deemed to remain the legal owner of the dog or cat regardless of any default.

(c) Any seller or transferor of animals who violates the provisions of this section shall be subject to a civil penalty. Each prohibited transaction shall subject the violator to a separate civil penalty.

(d) Nothing in this section shall be construed to prohibit:

(1) The purchase of a dog or cat through an unsecured personal loan; or

(2) Adoption or sale contracts involving public or private animal shelters, animal rescue organizations, pet dealers, breeders, or other persons or entities that provide that animals may be reclaimed because the adopter or purchaser is not providing appropriate care for the animal or because the animal was lost or stray and the original owner has been located and wishes to reclaim the animal, provided that such reclamation provisions are clearly set out in the agreement.

(e) Exemptions. This section shall not apply to agreements involving provision of animals for lawful breeding purposes; lawful use in professional shows and exhibitions; and working purposes, such as service animals, guard dogs in compliance with [Section 5-13.1](#), or law enforcement dogs.

(Ord. No. 19-44, § 2, 6-4-19)

- **Sec. 5-12. - Additional restrictions on sales of animals.**

(a) It shall be unlawful for any person to possess, sell, or otherwise transfer within the County any dyed or artificially colored rabbit or other animal, baby chicken, duckling or other fowl.

(b) It shall be unlawful for any person to sell, offer for sale, or otherwise transfer a live turtle except where adequate bacteriological proof is submitted to the Miami-Dade County Department of Public Health that such turtles are free from salmonella contamination. Adequate bacteriological proof as used herein shall consist of a statement issued by the chief public health official of the State from which the lot of turtles is shipped certifying that the turtles have been found free of salmonella based upon laboratory examination, and stating the examinations upon which the statement is based. Such certificates shall accompany and be provided to the dealer of any turtle to be sold from an approved lot. The Director of the Miami-Dade County Department of Public Health may, in addition thereto, withhold approval of any lot of turtles whether certified or not, until a series of at least six (6) consecutive cultures taken at intervals of not less than one (1) week have been found negative for salmonella in a laboratory approved for this purpose by the Miami-Dade County Department of Public Health. The results of such examinations shall be submitted on a form to be provided by the Miami-Dade County Department of Public Health. The Director of the Miami-Dade County Department of Public Health or his duly authorized representative may at any time take samples of tank water or any other appropriate samples from turtles offered for sale and order the immediate euthanasia or transshipment of any lot of turtles found contaminated with salmonella.

(c) The following warning shall be posted conspicuously at every display of turtles for retail sale:

CAUTION. Turtles may transmit bacteria causing disease in humans. It is important to wash the hands thoroughly after handling turtles or material in a turtle bowl; not to allow water or any other substance from a turtle bowl to come into contact with your food or areas where your food is prepared; and to make sure that these precautions are followed by children or others handling turtles. (Ord. No. 08-10, § 1, 1-22-08)