

PROPOSED ORDINANCE NO. 2020-03

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING TITLE IX, "GENERAL REGULATIONS," CHAPTER 91, ENTITLED "ANIMALS," BY SPECIFICALLY CREATING SECTION 91.30, ENTITLED "ANIMAL DISPLAYS OR EXHIBITS," PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the public display of animals can be detrimental to the health and welfare of the animal and the public if proper care is not given; and,

WHEREAS, the City desires to achieve a reasonable balance between the need to protect animals from improper treatment and the benefit that the public derives from educational opportunities concerning the animal kingdom; and,

WHEREAS, On November 25, 2019, the Federal Government made it unlawful for any person to purposely engage in animal crushing if the animals or animal crushing is in, substantially affects, or uses a means or facility of, interstate or foreign commerce.

WHEREAS, upon investigation and inquiry, the City Commission of the City of Pembroke Pines has determined that the general display of live animals for the purposes of entertainment, amusement or promotion contributes to conditions which are injurious to the health of such animals in the circumstances where there is no feasible, economically-viable, regulatory system sufficient to protect such animals; and,

WHEREAS, the City Commission finds that the creation of Section 91.30 of the City's Code of Ordinances, as detailed below, are in the best interests of the citizens and residents of the City.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF PEMBROKE PINES, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and hereby made a specific part of this Ordinance.

SECTION 2. That Title IX, "General Regulations," Chapter 91, "Animals," of the Code of Ordinances of the City of Pembroke Pines is hereby amended by specifically creating Section 91.30 "Animal Displays or Exhibits" as follows:

§ 91.30 Animal Displays or Exhibits

(A) **Definitions.** For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Display. Any exhibition, public showing, presentation, display exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, or similar undertaking in which animals are required to perform tricks, give rides or participate as accompaniments for entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

Officer. As defined in Section 91.15 of the City's Code of Ordinances.

Cruelty. As defined in Section 91.15 of the City's Code of Ordinances.

Use. Includes but shall not be limited to; brandishing, exhibiting or displaying a bullhook, ankus, whip, electric prod or an implement designed to look like a bullhook, ankus, whip, or electric prod in the presence of an animal.

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- (B) **Prohibitions.** No person or entity shall exhibit or display to the public for entertainment, amusement or promotion, whether gratuitously or for a fee, any live animal on property within the City's geographical boundaries unless they have first secured all federal and state licenses and permits authorizing such exhibit or display and all applicable city permits and business tax receipts.
- (C) In addition to complying with all federal and state regulations regarding the proper treatment of animals on exhibit or display, any person or entity that exhibits or displays to the public for entertainment, amusement or promotion any live animal on property within the city must comply with the following:
1. There shall be no exhibition or display of any sick, injured or crippled animal.
 2. The provisions set forth in Section 91.20 of the City's Code of Ordinances and the use of any techniques and devices that cause physical injury, torment or pain and suffering to animals are prohibited.
 3. The animals shall not be kept on hard surfaces such as concrete, asphalt, or gravel. The animals shall not be kept or displayed in an environment that endangers the health or safety of the animal.
 4. The animals must be kept in appropriate housing and husbandry conditions including regular access to food, water, shade from direct

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sunlight, shelter from inclement weather, nest boxes or dens, relief from human interaction, and veterinary care.

5. The keeping or harboring of any animal or fowl whereby frequent or habitual howling, yelping , barking , crowing or making of other noises shall annoy or disturb a reasonable person of normal sensitivities across real property boundaries is prohibited.
6. Animal Display/Exhibit Permit. Except as otherwise provided in this chapter, no vertebrate animals shall be displayed by any person or entity for entertainment or amusement purposes on private property unless the person or entity obtains an Animal Display/Exhibit Permit from the City according to the requirements of this section. An application for an Animal Display/Exhibit permit shall be submitted to the City no later than forty-five (45) days before the date of the planned animal display. Payment of a fee, which amount shall be established by resolution of the City Commission, shall be required prior to issuance of the permit. Each such permit shall be valid for only a specific 24-hour, one calendar day period covering the date of the permitted animal display unless the circumstances of the proposed exhibit otherwise dictate, in which case the permit shall be extended for a reasonable time to cover the event; provided, however, that no extended license shall be granted to other

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than a USDA-licensed animal exhibitor. The permit shall be displayed prominently at the site of the animal display. No applicant may obtain more than six permits within a one-year period. The applicant must provide the following information on the permit application:

- I. The name and address of the applicant.
- II. The address of the property upon which the animal(s) will be displayed.
- III. A description of the purpose for which the animal(s) will be displayed.
- IV. The type or species of each animal to be displayed.
- V. A disclosure of any and all investigations conducted by a law or code enforcement entity relating to animal cruelty, abuse or neglect, including a summary of the issues being investigated and the outcome of the investigation.
- VI. Each permit application must also be accompanied by a certificate (on a form provided by the city) from a veterinarian licensed to practice in Florida, and such certificate shall state the following:
 - a. The veterinarian is in good standing with the Florida Department of Professional Regulation.
 - b. Identify the specific animal to which the certificate applies by description, and not merely an assigned name.
 - c. Each animal to be displayed has been examined within the past thirty (30) days and is in good health and fit and suitable for the purposes of its display.
 - d. Each animal to be displayed is not of an exotic,

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threatened or endangered species as defined by
the United States Department of the Interior.

- (D) Any Officer shall have the authority to enforce the provisions of this section.
- (E) The City, through its Officers may terminate any exhibition or display of live animals if, in their sole discretion, said display or exhibition poses a danger to an animal(s) or to humans, or is cruel and inhumane. Prior to termination of the exhibition or display, the animal exhibitor or his representative or employee, if available at the site of display, shall be informed of the danger posed by or objection to said exhibition or display, and shall be given an opportunity to correct or remedy same if the danger or condition is immediately remediable. Failure to take immediate action by the exhibitor to correct the condition or danger as required, shall result in the termination of the exhibition or display by the officer.
- (F) Any party aggrieved by termination of an exhibition or display pursuant paragraph (E) under this subdivision may request an appeal in writing to the City Manager within three (3) calendar days of said decision. The City Manager or his or her designee shall schedule a meeting within ten (10) business days of receipt of the written request and may overrule, affirm or modify the decision of the officer.
- (G) The requirements of this section are supplemental in nature, in addition to all other permits, licenses, laws and other regulations governing animals,

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business, or land use. This section shall not apply to:

1. educational exhibits or workshops featuring Florida wildlife through a licensed and permitted non-profit wildlife sanctuary or wildlife hospital;
or
2. any retail use; or
3. police department K-9 performances; or
4. Licensed emotional support or service animals; or
5. Domesticated animals and pets including, without limitation, fish and reptiles; or
6. Non-commercial property including, but not limited to, an event at a private residence.

(H) Administration and Enforcement. This section may be enforced by any Officer of the City.

(I) Violations of this Article.

1. The City may prosecute any person for violation this section by issuance of a city ordinance citation.
2. An Officer who has probable cause to believe that a person has committed an act in violation of this ordinance may issue a citation to the person who has committed the civil infraction.
3. Any person convicted of violating this section shall be punished as

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provided in §10.99 of the City Code's of Ordinances.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Pembroke Pines, Florida, that the provisions of this Ordinance shall become and be made part of the City of Pembroke Pines Code of Ordinances; and that the sections of this "Ordinance" may be changed to "Section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. That this Ordinance shall become effective immediately upon the date of adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 20____.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 20____.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

By: _____
MAYOR FRANK C. ORTIS

MARLENE D. GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

GOOD _____

APPROVED AS TO FORM:

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.