

**ORDINANCE NO. 2-2015**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH CODE OF ORDINANCES AT CHAPTER 10, ANIMALS, ARTICLE I, IN GENERAL, AT SECTION 10-10, TEMPORARY PERMITS, TO PROVIDE ADDITIONAL CONDITIONS, RESTRICTIONS AND REQUIREMENTS FOR PERMIT ISSUANCE AND MODIFYING THE LOCATIONS WITHIN TOWN WHERE ANIMAL AND WILDLIFE TEMPORARY PERMITS MAY BE ISSUED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 10, Animals; Article I, In General, to read as follows:

**“Sec. 10-10. - Temporary permits.**

(a) Permits may be granted for the temporary possession of animals otherwise prohibited under this chapter in connection with either a special event, as said term is defined in this Code or in regard to a private event, subject to the following conditions:

(1) Application shall be filed with the town clerk at least 30 days prior to the event at which the temporary possession permit is requested. An application fee is hereby authorized and shall be paid upon filing of the application with the town clerk. The application fee shall be established by adoption of a resolution of the town council and may be amended by adoption of a resolution of the town council. The 30-day period may be waived by the town manager if it is determined by the town manager that good cause exists for waiving the period and further providing that all other requirements set forth in this section are met.

(2) A temporary possession permit shall be approved by the town manager if:

a. The application for a temporary possession permit pertains to wildlife as allowed herein, a state exhibition permit is required and the applicant agrees to abide by the most recently adopted rules and regulations designated as the Wildlife Code of the state as promulgated by the fish and wildlife conservation commission or its successor organization as designated by the state.

b. The permit is for a period of time no longer than 12 hours and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display.

- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the property address where the animals are intended to be displayed, the location on the property where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed.
- d. If the animal or animals to be exhibited require a licensed or permitted handler as determined by the state or Town and adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state will be responsible for the handling of any animal permitted. In addition, the handler must certify to the Town a sufficient number of licensed and permitted handlers will be present to handle the animal or animals for the duration of the special event. If the animal or animals to be exhibited do not require a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state the applicant shall indicate to the Town the name, address and telephone number of the proposed animal handler and the animal handler shall certify to the town that a sufficient number of handlers will be present to handle the animal or animals for the duration of the special event.
- e. Class III wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, wildlife not requiring a permit pursuant to 68A-6.0022 Florida Administrative Code as amended, and domesticated animals or livestock as defined herein or animals appropriate for a petting zoo such as ponies, may be permitted on any property:
  - i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
  - ii. Located within a PUD-A, B or C zoning district, or
  - iii. Located within any residential zoning district, or
  - iv. Located within any commercial zoning district.
- f. Class II wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, where all applicable state and town permit requirements have been met, and provided a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and all adjacent property residentially zoned, may be permitted on any property:
  - i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
  - ii. Located within a PUD-A, B or C zoning district, or
  - iii. Located within any commercial zoning district.

- g. A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than \$5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e pertaining to Class III wildlife, wildlife not requiring a permit pursuant to 68A-6.0022, Florida Administrative Code, as amended and domesticated animals or livestock as defined herein and appropriate for a petting zoo such as ponies.
  - h. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with an educational wildlife exhibition if a state permit is required and the proposed exhibition will be overseen by a person or organization in possession of the applicable state permit authorizing such person or organization to exhibit such wildlife programs on town property and on public or private school property within the town. A permit may also be allowed for domesticated animals or for livestock as defined herein for animal displays used in conjunction with educational programs on town property and on public or private school property within the town.
  - i. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.
- (b) If a permit is denied by the town manager, the applicant may appeal the decision to the town council, which shall give consideration to the appeal at the next regular meeting of the town council subsequent to the denial of the permit.
  - (c) If a special event or a private event is scheduled or held involving the display or possession of animals prohibited by this section, absent a permit as required under this section, the event may be terminated or dispersed by action of the code enforcement officer, fire rescue officer or by the police department.
  - (d) The following animals, wildlife, reptiles and other species are not allowed for display at any special event or private event and shall not be permitted for same by the Town:
    - f. Class I wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state.
    - g. Class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state unless the person or organization overseeing the proposed display or public exhibition possesses a state permit for public exhibition of the animals, wildlife, reptiles or other species and all applicable permits required by the Town have been issued, subject to conditions and restrictions stated herein.
    - h. Conditional nonnative wildlife
    - i. Prohibited nonnative wildlife
    - j. Imperiled species
    - k. Conditional reptiles, snakes and lizards
    - l. Native and non-native venomous reptiles"

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

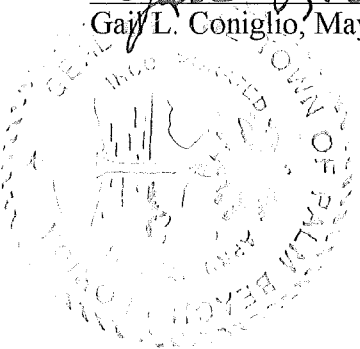
Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13<sup>th</sup> day of January, 2015, and for second and final reading this 10<sup>th</sup> day of February, 2015.

  
Gail L. Coniglio  
Gail L. Coniglio, Mayor

Michael J. Pucillo  
Michael J. Pucillo, Town Council President

Richard M. Kleid  
Richard M. Kleid, Council President Pro Tem

Danielle H. Moore  
Danielle H. Moore, Town Council Member

Penelope D. Townsend  
Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens  
Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick  
Robert N. Wildrick, Town Council Member