

EXHIBIT 1
ORDINANCE NO. 2025-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 6, "ANIMALS", TO REVISE PROVISIONS RELATING TO ANIMAL CONTROL, CUSTODY, AND WELFARE; AMENDING SHELTER REQUIREMENTS FOR THE HOUSING OF ANIMALS; PROVIDING FOR IMPOUNDING OF STRAY OR NEGLECTED DOGS; REQUIRING STERILIZATION OF DOGS; REQUIRING MICROCHIPPING OF DOGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local government's interest preventing the inhumane treatment of animals is undeniably substantial; and

WHEREAS, the Mayor and City Commission recognize that the proposed amendments will strengthen the regulations protecting the welfare of dogs and cats within the City of Hallandale Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. **Incorporation of Recitals.** The foregoing "Whereas" clauses are confirmed as true and incorporated herein.

SECTION 2. Chapter 6, Article I, "In General" of the City of Hallandale Beach Code of Ordinances is hereby amended as follows:

Chapter 6 – ANIMALS
ARTICLE I. – IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any living creature, domestic or wild.

35 *Artificial light* or *artificial lighting* means the light emanating from any human-made
36 device.

37 *At large* means off the premises of the owner and not under the control of the owner, a
38 member of his immediate family, or some other person, either by leash, cord, chain, or
39 other physical holding device or restraint.

40 *Bug type bulb* means any yellow colored light bulb that is marketed as being
41 specifically treated in such a way so as to reduce the attraction of bugs to the light.

42 *Coastal construction activities* means any work or activity that is likely to have a
43 material physical effect on existing coastal conditions or natural shore and inlet
44 processes.

45 *Commercial animal enterprise* means any animal boarding place or other
46 establishment (including those located at residentially zoned properties or uses) related
47 to the keeping and/or care of animals including the breeding, boarding, grooming, sale
48 or training of dogs and/or cats at which five or more animals are maintained at one
49 time; however establishments or animal hospitals maintained by a licensed veterinarian
50 as part of the practice of veterinary medicine and animal hospitals maintained primarily
51 for the treatment of animals shall not be included in this definition provided that any
52 use of such facility for breeding, grooming, sale or training of animals is secondary and
53 subordinate to the primary use of such facility for the treatment of animals.

54 *Cumulatively illuminated* means illuminated by numerous artificial light sources that as
55 a group illuminate any portion of the beach.

56 *Dangerous animal* means any wild mammal, reptile or fowl which is not naturally tame
57 or gentle but is of a wild nature or disposition and which, because of its size, vicious
58 nature or other characteristic, constitutes a danger to human life or property, and any
59 domestic mammal, reptile or fowl which, because of its size, vicious propensity or other
60 characteristic, constitutes a danger to human life or property.

61 ~~*Dangerous dog* means a dog that: bites, inflicts injury on, kills or otherwise attacks a~~
62 ~~human being or domestic animal without provocation on any public or private property,~~
63 ~~or any dog owned or harbored primarily or in part for the purpose of fighting shall be~~
64 ~~defined in accordance with Sec. 767.11, Fla. Stat., as may be amended.~~

65 *Directly illuminated* means illuminated as a result of glowing element(s), lamp(s),
66 globe(s), or reflector(s) of an artificial light source which is visible to an observer on the
67 beach.

68 *Domestic animal* means those animals normally kept as household pets within a
69 residence such as dogs, cats, rabbits, guinea pigs, hamsters, parrots, parakeets or
70 turtles.

71 *Dune* means a mound or ridge of loose sediments, usually sand-sized, lying landward
72 of the beach and deposited by any natural or artificial mechanism.

73 *Frontal dune* means the first natural or man-made mound or bluff of sand which is
74 located landward of the beach and which has sufficient vegetation, height, continuity,
75 and configuration to offer protective value.

76 *Ground-level barrier* means any vegetation, natural feature or artificial structure rising
77 from the ground which prevents beachfront lighting from shining directly onto the
78 beach-dune system.

79 *Hatchling* means any species of marine turtle, within or outside of a nest, that has
80 recently hatched from an egg.

81 *Indirectly illuminated* means illuminated as a result of the glowing element(s), lamp(s),
82 globe(s), or reflector(s) of an artificial light source, which is not visible to an observer on
83 the beach.

84 *Marine turtle* means any marine-dwelling reptile of the families cheloniidae or
85 dermochelyidae found in Florida waters or using the beach as nesting habitat, including
86 the species: caretta caretta (loggerhead), chelonia mydas (green), dermochelys
87 coriacea (leatherback), eretmochelys imbricata (hawksbill), and lepidochelys kemp
88 (Kemp's Ridley). For purposes of this article, marine turtle is synonymous with sea
89 turtles.

90 *Nesting season* means the period from March 1 through October 31 of each year.

91 *Pet shop* means any establishment maintained separately or in connection with
92 another commercial enterprise which offers to sell any species of live animals, with the
93 intent that they be kept as pets.

94 *Poultry* means all kinds of poultry, including without limitation chickens, turkeys,
95 guineas, pigeons and other domesticated food birds, but excepting duck and geese.

96 *Provocation* means that the injury or damage caused by the dog was sustained by a
97 person, who at the time, was committing a willful trespass or other tort upon the
98 premises occupied by the dog's owner, or was tormenting, abusing, or assaulting the
99 dog, or was committing or attempting to commit a crime against a person or property.
100 Provocation also means that the injury, or damage caused by the dog was sustained
101 by a domestic animal, which at the time, was tormenting, abusing, or assaulting the
102 dog.

103 *Severe injury* means any physical injury to a human being or domestic animal that
104 results in a broken bone, or a cut, puncture, piercing or breakage of the skin, or a
105 disfiguring laceration requiring stitches, sutures or reconstructive surgery.

106 *Sterilization* shall mean rendering an animal permanently incapable of reproduction by
107 surgical or chemical alteration, implantation of a device or other physical means, or
108 because of physiological sterility, but only where sterilization has been certified by a
109 veterinarian licensed in any state. The term sterilization is equivalent to the term spay
110 for female animals or neuter for male animals.

111 *Sterilized* shall refer to an animal permanently incapable of reproduction.

112
113 *Tinted glass* means any glass treated to achieve an industry-approved, inside-to-
114 outside light transmittance value of 45 percent or less. Such transmittance is limited to
115 the visible spectrum (400 to 700 nanometers) and is measured as the percentage of
116 light that is transmitted through the glass.

Unaltered shall mean an animal that has not been sterilized.

SECTION 3. Chapter 6, Article I, of the City of Hallandale Beach Code of Ordinances is hereby amended as follows:

Sec. 6-1.1. Dogs shall be restrained.

~~Each owner shall keep and maintain his dog under restraint; provided, however, that this section shall not apply to any dog being used for rescue or law enforcement work or any dog used in connection with a pari-mutuel facility licensed under F.S. ch. 550. It shall be unlawful for any owner to allow his dog to cross outside of the property line of its owner to any extent, including reaching over or under a fence, or to keep or allow his dog to be outdoors on an unfenced portion of the owner's property, unless the dog is restrained by a substantial chain or leash not exceeding six feet in length and under the control of its owner or another responsible person. No provisions of this section shall be construed to permit the tying, chaining, or otherwise tethering of any animal outdoors as a means of confinement for a time period exceeding 15 minutes unless the owner or keeper is present.~~

~~Any dog owner who violates any provision of this section shall be sanctioned as provided by law. In addition to any fine imposed by this section, the dog's owner may be required to submit full restitution to the victim for any damage caused by the dog or may be incarcerated for a period not to exceed six months, or may be required to perform up to 100 hours of community service, or any combination thereof.~~

(a) It shall be unlawful for any dog to be off the owner's property (which property is exclusive to the owner) unless the dog is under the restraint or control of a person by means of a leash or other device such as a cage, crate or vehicle. Dogs shall be exempted from the provisions of this subsection when:

(1) Being used by law enforcement to perform law enforcement services;

(2) Assisting an individual with a disability as a service animal, when it is necessary for the animal to be off leash to perform disability related works or tasks;

(3) Within a public space designated for dogs to be off-leash such as a dog park, provided the handler adheres to all rules instituted for such space; or

(4) Engaged in herding, hunting, registered field trials, obedience trials or an American Kennel Club or other similarly recognized show or competition.

(b) A fine schedule for violations of this section shall be established by the City Commission by resolution.

(c) Any dog found unrestrained and off the owner's property shall be considered stray and may be impounded by the City.

SECTION 4. Chapter 6, Article I, "In General" of the City of Hallandale Beach Code of Ordinances is hereby amended as follows

155 **Sec. 6-7. - Impoundment of animals in violation of chapter; animals found in**
156 **distress.**

157 (a) Any animal that appears to be a stray or found, in a public area or on private property
158 not belonging to the owner and upon which the City is otherwise authorized to enter, in
159 violation of any of the provisions of this chapter may be caught by city law enforcement
160 personnel or any code enforcement officer or any officer of the Broward County Animal
161 Care and Regulation Division and impounded at a place maintained and designated for
162 that purpose by the City or Broward County. Any animals or dogs impounded by city
163 personnel may be transferred to the Broward County Animal Care and Regulation
164 Division and redemption or release of such animals shall be in compliance with the
165 applicable sections of the county code.

166
167 (1) Stray dogs impounded by City shall be held for no less than 5 days, either
168 directly in the City's custody or in the custody of an animal shelter or humane
169 organization who has accepted custody from the City. During a declared state
170 of emergency applicable to the City, the City Manager shall determine if a
171 temporary extension of hold times is necessary to help return lost dogs to
172 identified owners.

173
174 (2) The City Manager shall prepare policies and procedures for stray animals
175 in accordance with Florida Statute 823.15 and 823.151, as may be amended.

176
177 (3) In accordance with Florida Statute Section 823.15, no unaltered animal
178 shall be released for adoption unless the animal is sterilized, except if:

179
180 a. the adopter has obtained a breeder permit from Broward County
181 pursuant to Section 4-6.5 of the Broward County Code; or

182
183 b. the adopter enters into a written agreement with the entity having
184 custody of the animal guaranteeing that sterilization will be performed
185 within 30 days or prior to sexual maturity. The adopter shall provide a
186 sufficient deposit, which deposit shall be refundable upon presentation
187 of written evidence by the veterinarian performing the sterilization that
188 the animal has been sterilized. Failure to comply with the provisions of
189 this paragraph shall be a noncriminal violation as defined in Florida
190 Statutes Section 775.08(3), punishable by a fine, forfeiture, or other
191 civil penalty, and, in addition thereto, the deposit or donation shall be
192 forfeited. Any legal fees or court costs used for the enforcement of this
193 paragraph are the responsibility of the adopter. Upon the request of a
194 licensed veterinarian, and for a valid reason, the entity that released
195 the dog shall extend the time limit within which the animal must be
196 sterilized.

197
198 (b) Any animal found neglected or cruelly treated, including animals that are housed in
199 violation Section 6-66 or maintained in violation of Section 6-68, may be removed from
200 its present location by any law enforcement officer or code enforcement officer in

201 accordance with Section 828.073, Fla. Stat.. If the animal is on private property, the law
202 enforcement officer shall seek permission to enter to remove the animal or a warrant
203 unless the officer has reasonable grounds to believe that there is an urgent and
204 immediate need for protective action to assist an animal in apparent distress.

205
206 **Sec. 6-8. - Enforcement.**

207 (a) It shall be the duty of all city law enforcement officers, code enforcement officers, or
208 other civilian officers designated as animal control officers by the City Manager
209 personnel, and the city manager, by and through his duly appointed subordinates, to
210 enforce the provisions of this chapter. Officers of the Broward County Animal Care and
211 Regulation Division shall have full authority to enforce the provisions of this chapter and
212 all applicable provisions of the county code within the city.

213
214 (b) An officer who has probable cause to believe that a person has committed an act in
215 violation of this chapter shall issue a citation which shall be a civil infraction with a
216 maximum civil penalty not to exceed \$500. If the person who has committed the civil
217 infraction does not contest the citation, the maximum penalty shall be \$400.

218
219 (c) If a person fails to pay the civil penalty and fails to appear in court to contest the
220 citation, the City Attorney or designee may request that the court issue an order to show
221 cause. This order shall require such persons to appear before the court to explain why
222 action on the citation has not been taken. If any person who is issued such order fails to
223 appear in response to the court's directive, that person may be held in contempt of court.

224
225
226 **SECTION 5.** Chapter 6, Article III, of the City of Hallandale Beach Code of
227 Ordinances is hereby amended as follows:

228 **Sec. 6-66. - Keeping of animals.**

229 (a) Any person who beats, cruelly ill-treats, torments, overloads, overworks, fails to
230 provide sanitary humane living conditions, starves or otherwise abuses an animal or
231 intentionally causes such animal to be mutilated or inhumanely killed, or causes the
232 same to be done, or otherwise treats an animal in a cruel or inhumane manner, shall
233 be deemed to be in violation of this section.

234 (b) It shall be unlawful for any person to use painful techniques and devices that may
235 cause or are likely to cause, physical injury, torment or pain and suffering to animals,
236 including but not limited to: electric prods or shocking devices; shocking spurs or
237 rowels; flank or bucking straps or similar devices; wire tie-downs; chains used as tie-
238 downs; whips or bull-whips (excluding riding crops); ankuses or bull-hooks or similar
239 devices. Commercially available static correction devices used for training and
240 containment of canines are not subject to the prohibitions in this section.

(c) It shall be unlawful for any person, firm, or corporation, including any circus, temporarily performing in the city, to own, control, keep, or harbor any animal without providing:

(1) Clean, safe, sanitary and humane living conditions, including ample space for bodily movement and reasonable exercise;

(2) A sufficient supply of good and wholesome food provided as often as the feeding habits of such animal(s) require;

(3) A sufficient supply of visibly clean and fresh water accessible at all times, unless specifically directed otherwise by a licensed veterinarian;

(4) Adequate shelter ~~which shall provide~~ of sound construction which allows each animal to comfortably maintain normal body temperature and provides adequate protection from rain, wind, sun, and all elements sufficient to ensure the health and comfort of the animal. Unless otherwise noted the following elements shall be provided at all times:

~~a. Accessible protection from wind, rain, and direct sun exposure~~
When the outdoor temperature falls below forty-five (45) degrees Fahrenheit, all cats and those dogs that cannot tolerate such temperatures without stress or undue discomfort (i.e., short-haired breeds, sick, aged, young, or infirm) must be protected from the cold and heat by being moved indoors or provided adequate heating to maintain the air temperature above forty-five (45) degrees Fahrenheit. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit, all dogs and cats must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eighty-five (85) degrees Fahrenheit;

~~b. Proper ventilation and circulation, a solid weatherproof roof, and a solid sanitary floor; and~~

~~c. A clean, dry area with a solid floor for each animal to stand erect, sit, lie down, and fully turn around;~~
soft, clean resting area that elevates the animal off the floor;

d. Sufficient space for each animal to comfortably make normal postural adjustments within their primary enclosure, including standing and walking several steps, sitting normally, laying down at full body length, and holding the tail completely erect. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for both animals to comfortably stand up, sit down, lie down, and turn around simultaneously.

e. sufficient space to sit, sleep, and eat away from areas where the animal defecates and urinate; and

f. with respect to dogs and cats, the areas must kept be cleaned and fecal matter must be disposed of in a sealed trash receptacle so as not to attract insects or rodents, become unsightly, or cause objectionable odor.

(5) Necessary medical care and/or veterinary care when sick or injured and as required to prevent disease or sickness.

(d) It shall be unlawful to deliberately and/or willingly leave unattended any animal for a period in excess of 12 consecutive hours.

(e) It shall be unlawful for any person to leave an animal unattended in any motor vehicle, or transport an animal in any motor vehicle without adequate ventilation, sanitary conditions, or otherwise under such circumstance as to prevent the animal from being exposed to extreme temperatures which adversely affect its health and safety.

(f) It shall be unlawful to tether, chain, tie a dog outside for more than 15 minutes unless the owner, caretaker or other responsible party is outside with the animal.

SECTION 6. Chapter 6, Article III, “Animal Care”, “Division 2- Keeping of Animals as a Commercial Enterprise,” of the City of Hallandale Beach Code of Ordinances, Sections 6-67 through 6-69, shall be renumbered as Sections 6-80 through 6-82, respectively.

SECTION 7. Chapter 6, Article III, Division 1, of the City of Hallandale Beach Code of Ordinances is hereby amended to include the following new sections:

Sec. 6-67 Mandatory spaying or neutering

(a) No person shall own or harbor any cat or dog over the age of six months within the city limits that has not been spayed or neutered unless the person has obtained a breeder permit from Broward County, or the person obtains an unaltered animal permit from the City on the basis of a medical reason certified in writing by a veterinarian.

(b) Police dogs, Fire Dogs and SAR dogs as defined in Fla. Stat. 843.19 are exempt from the provisions of this section.

(c) This section does not apply to pets that are temporarily in the city for fewer than 30 days.

Sec. 6-68 Mandatory identification by microchipping

(a) No person shall own or harbor any cat or dog over the age of four months within the city limits that has not been implanted with a microchip with the owner’s up to date

contact information and the microchip number registered with the manufacturer's database.

(b) This section does not apply to pets that are temporarily in the city for fewer than 30 days.

Secs. 6-69—6-79. -Reserved.

SECTION 8. Conflict. All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

SECTION 9. Severability. Should any provision 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 thereof, other than the part that is declared to be invalid.

SECTION 10. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 11. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED on 1st reading on _____, 2025.

PASSED AND ADOPTED on 2nd reading, on _____, 2025.

JOY F. COOPER
MAYOR

SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB

355 ATTEST:

356

357

358

359 JENORGEN GUILLEN
360 CITY CLERK

361

362 APPROVED AS TO FORM &
363 LEGAL SUFFICIENCY

364

365

366

367 JENNIFER MERINO
368 CITY ATTORNEY