

1 EXHIBIT 1

2 ORDINANCE NO. 2019 -

3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY
4 OF HALLANDALE BEACH, FLORIDA, ADDING SECTION 6-69, "ANIMAL
5 DISPLAYS OR EXHIBITS" TO INCORPORATE SAFETY AND WELFARE
6 REGULATIONS FOR THE DISPLAY OF LIVE ANIMALS; ESTABLISHING
7 PERMIT REQUIREMENTS FOR THE DISPLAY OF LIVE ANIMALS;
8 PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT;
9 PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
10 AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

21 WHEREAS, the Mayor and City Commission find that it is in the best interest of the residents
22 of the City of Hallandale Beach to approve regulations for the health safety and welfare of animals
23 on public display.

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

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27 **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.

28 **SECTION 2.** Section 6-69, "Animal Displays or Exhibits," is created as follows:
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30 **Sec. 6-69. - Animal displays or exhibits.**

31 (a) No person or entity shall exhibit or display to the public for entertainment, amusement or
32 promotion (whether gratuitously or for a fee) any live animal on property within the city unless
33 they have first secured all federal and state licenses and permits authorizing such exhibit or
34 display and shall obtain all applicable city permits and business tax receipts.

(b) 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 use of 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. Animals shall only be permitted on unimproved, natural surfaces and 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 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 with respect to domestic pets, commercial kennels and pet shops, 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 than a USDA-licensed animal exhibitor. The permit shall be displayed prominently at the site of 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:

a. The name and address of the applicant.

b. The address of the property upon which the animal(s) will be displayed.

c. A description of the purpose for which the animal(s) will be displayed.

d. The type or species of each animal to be displayed.

e. 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.

f. 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:

(i) The veterinarian is in good standing with the Florida Department of Professional Regulation.

(ii) Identify the specific animal to which the certificate applies by description, and not merely an assigned name.

(iii) Each animal to be displayed has been examined within the past 30 days and is in good health and fit and suitable for the purposes of its display.

(iii) Each animal to be displayed is not of an exotic, threatened or endangered species as defined by the United States Department of the Interior.

(c) The city's Code Enforcement Officers, and police officers, shall have the authority to enforce the provisions of this section.

(d) The city, through officers of its code compliance division or police department may terminate any exhibition or display of live animals if, in their 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.

(e) Any party aggrieved by termination of an exhibition or display pursuant paragraph (d) 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 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.

(f) The requirements of this section are supplemental in nature (in addition to) to all other permits, licenses, laws and other regulations governing animals, business, or land use. This section shall not apply to:

(i) the racing of horses operating pursuant to a state issued pari-mutuel operating license, or

(ii) educational exhibits/workshops featuring Florida wildlife through a licensed and permitted non-profit wildlife sanctuary or wildlife hospital.

SECTION 3. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5. 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 6. Effective date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2019.

PASSED AND ADOPTED on 2nd reading on _____, 2019.

JOY ADAMS
MAYOR

SPONSORED BY: COMMISSIONER MICHELE LAZAROW

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY