

Ordinance No. 016-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 10, Animals; Section 10-10. Temporary Permits, Section 10-11. Penalties, And By Adding New Sections 10-12. Duties Of Permittee, 10-13. False Information Prohibited In Application, 10-14. Permits Nontransferable, 10-15. Waiver Of Provisions, And 10-16. Possession; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 10, Animals is hereby amended at Sections 10-10 through 10-16 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. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy, or method that would alter the information given in the application, the application shall notify the town in writing thereof within 48 hours after such change. 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. Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee, in accordance with the fee schedule adopted by 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 or designee if:
 - a. 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 eight hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties. This eight-hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed eight hours and not to go beyond 9:00 p.m.
- 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 location of the animals to be displayed, ~~the location where the animals will be displayed~~ and the location of the people that will be in attendance to view the animals to be displayed. A buffer of not less than 50 feet shall be maintained between the location of the wildlife and the nearest adjacent residentially zoned area of the town.
- d. 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, and that a sufficient number of licensed and permitted handlers be present to handle the animal or animals for the duration of the special event.
- e. No animals permitted under this exception shall be permitted in residentially zoned areas of the town, except for animals which are part of a petting zoo otherwise permitted as set forth above.
- f. ~~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. relating to animals appropriate for a petting zoo such as ponies and trained monkeys. Applicant shall provide, at its own cost and expense, Comprehensive General Liability Insurance coverage - endorsing the Town of Palm Beach as an additional insured with limits of liability not less than \$5,000,000.00 per occurrence. All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials, and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy. A certificate of insurance will not be required for events described in subsection (a)(2)e. relating to animals appropriate for a petting zoo such as sheep, goats, rabbits, guinea~~

pigs, ponies, alpacas, llamas, pigs, miniature donkeys, miniature horses, ducks, geese, chickens, and turkeys.

- g. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with educational wildlife programs on town property and on public or private school property within the town.
 - h. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.
- (b) The town manager or his designee shall have the authority to revoke a temporary animal permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a temporary animal permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. If a permit is denied by the town manager or designee, 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.

Sec. 10-11. - Penalties.

Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. Any person, organization, corporation, agency, or entity that obtains temporary possession of an animal for a special or private event without having first obtained a valid permit shall be assessed a penalty, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.

Sec. 10-12. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state, and federal government, and all permit directions and conditions of the permit.

Sec. 10-13. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application.

Sec. 10-14. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 10-15. Waiver of provisions.

The town council may, in its discretion, waive any requirements of this article.

Sec. 10-16. Possession.

The person heading or leading the event shall carry the temporary animal permit upon his or her person during the conduct of the event and shall be present at the event.

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 Or Parts 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 – 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, Florida, on the First Reading the 10th day of October 2023; and for the Second and Final Reading on this 14th day of November 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member