

ORDINANCE NO. 06-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 10, ANIMALS; ARTICLE I, IN GENERAL; SECTION 10-10, TEMPORARY PERMITS; 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; Section 10-10, Temporary Permits, 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 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 8 hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties. This 8 hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed 8 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.

- 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) 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.”

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.

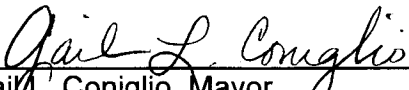
Section 4. Codification.

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 8th day of March, 2016, and for second and final reading on this 12th day of April 2016.

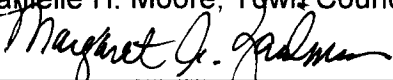

Gail L. Coniglio, Mayor


Michael J. Pucillo, Town Council President

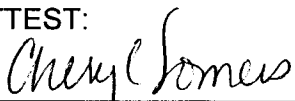

Richard M. Kleid, Council President Pro Tem


Bobbie Lindsay, Town Council Member


Danielle H. Moore, Town Council Member


Margaret A. Zeidman, Town Council Member

ATTEST:


~~Susan A. Owens, MMC, Town Clerk~~
Cheryl Somers, Acting

