

## ORDINANCE NO. 2023-010

**AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, PERTAINING TO THE SUBJECT OF ANIMALS; AMENDING CHAPTER 4 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS;" TO PROVIDE FOR ADDITIONAL AND UPDATED REGULATIONS FOR KEEPING OF CERTAIN FOWL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Pembroke Park (the "Town") has certain regulations for keeping of chickens; and

**WHEREAS**, the community has expressed interest in revising and updating the Town's Code for keeping of chickens in the Town; and

**WHEREAS**, the Town Commission of the Town of Pembroke Park has determined it to be in the best interest of the citizens and residents of the Town to provide for a streamlined program for keeping of chickens in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:**

**Section 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. All exhibits referenced herein are hereby incorporated within this Ordinance by this reference and made a specific part hereof.

**Section 2:** Section 4-1, entitled "Running at Large; impoundment," of the Town of Pembroke Park's Code of Ordinances, is hereby amended, as follows:

### **Sec. 4-1. Running at large; impoundment.**

(a) It shall be unlawful for any person owning or controlling any dog, horse, cow, goat, hog, livestock, poultry duck, goose, turkey, guinea, peafowl or dove or other fowl or animal except cats to permit such animal or fowl to run at large in the Town.

(b) It shall be the duty of the Pembroke Park Police Department to deliver to the Humane Society of Broward County any such animal or fowl found running at large.

(c) Each person owning or controlling such animal or fowl shall keep such animal or fowl as provided for specifically in this Chapter or generally in a substantial pen, coop or enclosure at all times.

**Section 3:** Section 4-5, entitled "Keeping of animals," of the Town of Pembroke Park's Code of Ordinances, is hereby amended, as follows:

**Sec. 4-5. Keeping of animals.**

Any person who beats, cruelly ill-treats, torments, overloads, overworks or otherwise abuses an animal, intentionally causes such animal to be mutilated or inhumanely killed, or otherwise treats an animal in a cruel or inhumane manner, or causes the same to be done shall be deemed to be in violation of this section and shall be subject to punishment as provided in section 1-3, of [this] Code of Ordinances.

(a) It shall be unlawful for any person or business entity to own, control, keep or harbor any animal without providing:

- (1) Clean, safe, sanitary and humane living conditions;
- (2) A sufficient supply of good and wholesome food provided as often as the feeding habits of such animal requires;
- (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:

- a. Accessible protection from wind, rain, and direct sun exposure;
- b. Proper ventilation and circulation; and
- c. A clean, dry area with a solid floor for each animal to stand erect, sit, lie down, and fully turn around; and

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

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

(c) 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 circumstances as to prevent the animal from being exposed to extreme temperatures which adversely affect its health and safety.

(d) The keeping of chickens is allowable under subsection 4-18, "General conditions for the keeping of backyard chickens."

**Section 4:** Section 4-6, entitled "Distance requirement for keeping certain fowl," of the Town of Pembroke Park's Code of Ordinances, is hereby amended, as follows:

**Sec. 4-6. Distance requirement for keeping certain fowl.**

It shall be unlawful for any person, whether as owner or agent, to keep or cause to be kept within the corporate limits of the Town any rooster or peacock closer than

one hundred (100) yards from any inhabited dwelling other than the dwelling of the owner thereof or the person keeping the same.

**Section 5:** Section 4-7, entitled “Sanitation of pens, etc.,” of the Town of Pembroke Park’s Code of Ordinances, is hereby amended, as follows:

**Sec. 4-7. Sanitation of pens, etc.**

Whenever the keeping or maintenance of any animal or fowl as enumerated in section 4-1 is permitted upon any lands in the Town under the provisions of section 4-1, the owner, agent, employee, servant or other person having charge of the premises and of such animal or fowl, shall clean the pen, coop, sty or other enclosure where such animal or fowl roost or is kept each fourth day, and shall spray and disinfect such area each fourth day, and shall remove and destroy all refuse, droppings, manure, feathers or other matter cleaned from such pens or enclosures. In addition to the requirements of this subsection, the keeping of chickens shall also be subject to the regulations set forth in Section 4-18 of the Town Code.

**Section 6:** Section 4-12, entitled “Minimum standards for the housing and care of animals,” of the Town of Pembroke Park’s Code of Ordinances, is hereby amended, as follows:

**Sec. 4-12. Minimum standards for the housing and care of animals.**

- (a) All animals must be supplied with sufficient good and wholesome food and water as often as the feeding habits of such animals require.
- (b) All animals and quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- (c) All cages shall be equipped with food and water receptacles mounted or situated so that the animal cannot overturn, defecate or urinate therein. All cages are to be constructed

of a non-absorbent, non-porous material. All cages, except bird cages, shall have floors of either solid construction or woven wire mesh construction, or any combination thereof. Cages having woven wire or mesh floors may be used to confine or display animals, provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animal confined therein. Cages having wire construction shall be constructed of wire which is of sufficient thickness so as to preclude injury to the animals confined therein. Cages constructed of wire having barbs or other such rough surfaces are prohibited. All cages shall be of sufficient height to permit every animal confined therein to stand normally to its full height and to turn around completely. All cages shall be of sufficient size so as to prevent overcrowding.

(d) Proper shelter and protection from the weather shall be provided at all times. Animals must not be overcrowded or exposed to excessive heat or cold. All animal living quarters shall be draft free and proper temperature for the well-being of animals shall be maintained at all times.

(e) Animals shall not be without attention for over twelve (12) consecutive hours.

(f) Every reasonable precaution shall be made to insure that animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means.

(g) No animal shall be given any alcoholic beverage, unless administered or prescribed by a licensed veterinarian for medical purposes.

(h) Animals which are worked, kept for sale, or exhibited shall be strong, healthy and in good physical condition.

- (i) Animals which are enemies by nature, or are temperamentally unsuited, shall not be quartered together or so near each other as to cause the animals to fear, or to cause them to be abused, tormented, or annoyed.
- (j) No tack, equipment, device, substance nor material that has been prohibited by the Town Manager or designee shall be used on the animals.
- (k) Animals must be maintained in quarters so constructed as to prevent their escape. Any commercial animal enterprise or pet shop shall assume full responsibility for recapturing any animal that escapes from its premises. Any commercial animal enterprise or pet shop shall take all reasonable precautions to protect the public from the animals and the animals from the public.
- (l) Working animals shall be given proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular condition.
- (m) Animal bedding shall be sufficient in size and quantity, be of good quality, and be kept clean.
- (n) Animals which are unweaned or so young or weak that their sale would be injurious to them shall not be sold, offered for sale, or given away.
- (o) Sick or diseased animals shall be isolated from healthy animals at all times and so segregated that the illness or disease shall not be transmitted to another animal.
- (p) In addition to the requirements of this subsection, the keeping of chickens shall also be subject to the regulations set forth in Section 4-18 of the Town Code.

**Section 7:** Section 4-18, entitled “General conditions for the keeping of backyard chickens,” of the Town of Pembroke Park’s Code of Ordinances, is hereby created to read as follows:

**Sec. 4-18. General conditions for the keeping of backyard chickens.**

Any person keeping chickens as an accessory to an occupied dwelling shall be subject to the following restrictions:

(a) Permit required. A backyard chicken permit (hereinafter "permit") is required for the keeping of chickens. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and written consent to the application. The fee for the permit will be set by resolution of the Pembroke Park Town Commission.

(b) The applicant shall include written consents/approval of the keeping of chickens on their premises from all abutting property owner(s). Upon receipt of a permit application, the building official shall determine if the application is complete and contains the required consents/approvals. For the purposes of this subsection, "abutting residential property owner(s)" means those private property owner(s) owning fee simple interest in property sharing a boundary line with the applicant's property that is the subject of the application.

(c) The Town of Pembroke Park staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of chickens. Inspections shall be to ensure that all of the program criteria are being met.

(d) Up to four chickens may be kept at an occupied single-family residence upon receiving a permit from the Town.

(e) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.

(f) Chickens must be secured within a covered chicken coop, chicken tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. Chickens must have access to food and water at all times. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.

(g) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.

(h) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.

(i) Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines. Waste materials (feed, manure and litter) not composted must be bagged and disposed of in the trash.

(j) Chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.

(k) Chickens may not be slaughtered on premises.

(l) Any person who violates any provision of the section shall be enforced consistent with Section 4-16 of this Code.

(m) Nothing in this ordinance is intended to infringe upon any resident's right to the free exercise of their sincerely held religious beliefs.

**Section 8:** Section 28-94, entitled “Backyard Chicken Coop Accessory Structures,” of the Town of Pembroke Park’s Code of Ordinances, is hereby created to read as follows:

**Sec. 28-94. Backyard Chicken Coop Accessory Structures.**

(a) Chicken coops, pens or chicken tractors must be located in the rear yard and be set back a minimum of ten (10) feet from the rear and a minimum of ten (10) feet from the side lot lines. Coops must be screened at grade from adjacent properties with a solid 6-foot fence or wall. No coop will be allowed in any front or side yard.

(b) The coop, pen, or chicken tractor must be a minimum of 20 feet from any preexisting neighboring residential principal structure, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. No setback is required between a coop and another accessory structure on the subject property.

(c) Chicken coops must be less than 50 square feet and may have an attached run. The coop must meet Florida Building Code wind load requirements.

(d) The maximum height of a coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop.

(e) An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the building official. Applicants must submit photos of the proposed site of the coop/run areas, a to scale survey/site plan of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class or an equivalent class approved by the building official, completed within the last year.

(f) A building official determination is required for a permit. The building official is authorized to implement reasonable rules and regulations regarding backyard chickens.

The building official must not approve locations with outstanding code violations.

(g) No more than 25 permits will be issued citywide. Permits will be issued on a first-come, first-served basis. Participants choosing to leave the program must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant. If a participant is removed from the program due to violations of the terms of this ordinance. The permit may also be re-issued to another qualified applicant.

**Section 9:** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

**Section 10:** All sections or parts of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflicts.

**Section 11:** Should any section or provision of this Ordinance, or any portion thereof, of any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or a part thereof other than the part declared to be invalid.

**Section 12:** This Ordinance shall become effective upon adoption and signature by the Mayor.

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**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

ATTEST:

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ASHIRA MOHAMMED  
Mayor

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MARLEN D. MARTELL  
Town Clerk

Approved as to form and legal sufficiency:

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JACOB G. HOROWITZ  
Interim Town Attorney

VOTE

ASHIRA MOHAMMED

ERIK MORRISSETTE

WILLIAM R. HODGKINS

MUSFIKA KASHEM

GEOFFREY JACOBS