



Agenda Item # R - 1

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1068, AMENDING CHAPTER 5. ANIMALS. OF THE VILLAGE CODE OF ORDINANCES AT SEC. 5-1 TO ADD SELECT DEFINITIONS AND TO CREATE ENTIRELY NEW SEC. 5-18. GENERAL NUISANCES AND HABITUAL NUISANCES CAUSED BY ANIMALS. TO ADDRESS NUISANCES CAUSED BY THE KEEPING OR FEEDING OF WILDLIFE WITHIN THE VILLAGE. BY COMMUNITY DEVELOPMENT DIRECTOR.

Issue:

Currently, Chapter 5 of the Village Code regulates animals within the Village. However, the Village Code does not currently address the feeding of wildlife within the Village, or the nuisances created by such activity. Instances of wildlife feeding have become more prevalent in the Village leading to complaints from residents to Village Staff.

In response, Village Staff has reviewed similar regulations from other jurisdictions and has proposed to update Chapter 5 to add specific definitions and to prohibit the keeping or feeding of wildlife within the Village in certain circumstances to eliminate the nuisance created by such activity. Specifically, Ordinance No. 1068 proposes to:

- Amend Sec. 5-1 of Village Code in order to add definitions for the terms “animal”, “habitually or habitual nuisance”, “nuisance” and “wild animal”; and
- Create entirely new Sec. 5-18. General nuisances and habitual nuisances caused by animals. which:
 - Prohibits the keeping of animals on a property in a manner that causes a nuisance; creates unsanitary conditions; is a source of infestation by insects or rodents; creates physical conditions that endanger the health or safety of humans or other animals, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.
 - Prohibits a person from maintaining or feeding any animal, domesticated or wild, in such manner that it: creates a nuisance; creates unsanitary conditions; is a source of infestation by insects or rodents; or creates physical conditions that endanger the health or safety of humans, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.
 - Prohibits the owner or person(s) in care and control of an animal from permitting the animal to destroy or damage the property of another.

Initiator:	Village Manager	Agenda Date	Village Council
Comm. Dev. Dir.	Approval	12-18-2025	Action

- Allows, on Village-owned property and within the public rights-of-way, the Village to remove, or contract for removal by an appropriate entity, any such nuisance animals as authorized under applicable state law and regulations.
- Provides for enforcement of the above prohibitions through the Supplemental Village Code Enforcement Procedures set forth in Chapter 2, Article V, Division 2 of the Village Code.
- Allows for the imposition of monetary fines/penalties for these civil infractions as set by resolution of the Village Council, not to exceed a maximum civil penalty of \$500.00.
- Allows, for violations presenting a serious threat to the public health, safety and welfare, abatement by the Village pursuant to Chapter 2, Article V, Division 1 of the Village Code.

With regard to citations, this proposed ordinance allows the Village to utilize the civil citation method to address violations (as opposed to the special magistrate process normally used for code enforcement violations).

Under the proposed ordinance, a civil citation may be issued to the owner or any person having custody of an animal for violation of this section when the Village has received at least one (1) sworn affidavit from a resident which attests to the animal having committed a nuisance pursuant to this section or when the nuisance is witnessed by a code enforcement officer or an officer of the Palm Beach County Sheriff's Office.

Note that Sec. 162.21, F.S., which governs the supplemental code enforcement process, requires that prior to issuing a citation, a code enforcement officer shall provide notice to the person that they have committed a violation of the ordinance and establish a reasonable time period within which to correct the violation (no more than 30 days). A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

Civil citations issued under proposed Ordinance No. 1068, like any other citation issued using the supplemental code enforcement process, get deposited with the county court and have to be prosecuted by the Village Attorney in county court if unpaid or otherwise contested or appealed.

Recommended Action:

Upon Council review, staff recommends a motion to approve Ordinance No. 1068 on first reading.

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ORDINANCE NO. 1068

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 5. ANIMALS. AT ARTICLE I. IN GENERAL., SECTION 5-1 – DEFINITIONS. TO ADD SELECT DEFINITIONS AND TO CREATE ENTIRELY NEW SECTION 5-18. GENERAL NUISANCES AND HABITUAL NUISANCES CAUSED BY ANIMALS. TO PROHIBIT THE FEEDING OF ANY ANIMAL, DOMESTIC OR WILD IN CERTAIN CIRCUMSTANCES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 5. ANIMALS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 5. Animals. of the Village Code of Ordinances currently regulates animals within the Village; and

WHEREAS, the Village Code does not current address the feeding of wildlife within the Village; and

WHEREAS, instances of wildlife feeding have become more prevalent in the Village leading to complaints from residents to Village Staff; and

WHEREAS, the Village Council desires to update Chapter 5 to add specific definitions and to prohibit the feeding of wildlife within the Village in certain circumstances to eliminate the nuisance created by such activity; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 5 of the Village Code of Ordinances are in the best interests of the general welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 5. Animals. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General., Sec. 5-1. Definitions. in order to add definitions for the terms “animal”, “habitually or habitual nuisance”, “nuisance” and “wild animal”; providing that Sec. 5-1. shall hereafter read as follows:

Sec. 5-1. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Animal means any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans, and/or as defined in F.S. § 828.02.

At large shall mean off-the-premises of the owner and not under the control of the owner or other person authorized by the owner to care for such animal either by leash, cord, chain or otherwise not exceeding eight (8) feet in length.

Cat shall mean a domesticated male or female feline.

Division of animal regulations shall mean the Division of Animal Regulations of Palm Beach County, Florida.

Dog shall mean any male or female canine.

Habitually or habitual nuisance means at least three (3) separate occurrences within thirty (30) days of the first occurrence/violation.

Nuisance means any wrongful thing done or permitted which injures or annoys another in the enjoyment of his legal rights, with particular reference to the breeding of flies, the creation of odors and other obnoxious circumstances caused by the keeping of animals, any fecal material left by an animal, or habitual, objectionable noisemaking, chasing after vehicles and persons or damaging or destroying of property by an animal.

Owner shall mean any person owning, keeping, harboring, having charge, control or custody of an animal, dog or cat.

Vaccination is hereby defined as an injection of a vaccine approved by the division of animal regulations and administered by a licensed veterinarian.

Wild animal means any member of the animal kingdom including, but not limited to, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, but excluding those animals such as livestock and poultry and domesticated household pets.

Section 2: Chapter 5. Animals. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article I. In General. to create entirely new Sec. 5-18. General nuisances and habitual nuisances caused by animals. in order to prohibit the feeding of wildlife within the Village in certain circumstances; providing that Sec. 5-18. shall hereafter read as follows:

Sec. 5-18. General nuisances and habitual nuisances caused by animals.

(a) *Keeping of animals.* Animals shall not be kept on property in a manner that causes a nuisance, creates unsanitary conditions; is a source of infestation by insects or rodents; creates physical conditions that endanger the health or safety of humans or other animals, that are

detrimental to property values, or that tend to degrade the appearance of a neighborhood.

(b) *Prohibition on maintenance and feeding.* No person shall maintain or feed any animal, domesticated or wild, in such manner that it: creates a nuisance; creates unsanitary conditions; is a source of infestation by insects or rodents; or creates physical conditions that endanger the health or safety of humans, that are detrimental to property values, or that tend to degrade the appearance of a neighborhood.

(c) *Destruction of another's property.* It shall be a violation for the owner or person(s) in care and control of an animal to permit the animal to destroy or damage the property of another.

(d) *Removal.* On village-owned property and within the public rights-of-way, the village shall be entitled to remove, or contract for removal by an appropriate entity, any such nuisance animals as authorized under applicable state law and regulations.

(e) *Penalty.*

(1) A citation may be issued to the owner or any person having custody of an animal for violation of this section when the village has received at least one (1) sworn affidavit from a resident which attests to the animal having committed a nuisance pursuant to this section or when the nuisance is witnessed by a code enforcement officer or an officer of the Palm Beach County Sheriff's Office.

(2) Violators, including habitual nuisance violators, of this section shall be guilty of a civil infraction, punishable as provided in chapter 2, article v, division 2 of the village code.

(3) In additional to the penalties set forth in subparts (1) – (2) above, violations which present a serious threat to the public health, safety and welfare shall be subject to enforcement and penalties as set forth in chapter 2, article v, division 1 of the village code.

Section 2: Each and every other Section and Sub-section of Chapter 5. Animals. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, 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 of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this 18th day of December, 2025.

SECOND AND FINAL READING this 15th day of January, 2026.

VILLAGE OF ROYAL PALM BEACH

MAYOR JEFF HMARA

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK