

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING CHAPTER 6, "ANIMALS AND FOWL," SECTION
6-1, "CITY DESIGNATED BIRD SANCTUARY," SECTION
6-25, "INJURY TO ANIMALS," CHAPTER 33, "POLICE
AND LAW ENFORCEMENT, OFFENSES AND MISCELLANEOUS
PROVISIONS," ARTICLE 1, "OFFENSES, MISCELLANEOUS
PROVISIONS," OF THE CITY OF MARGATE CODE OF
ORDINANCES TO PROVIDE FOR NON-NATIVE INVASIVE
IGUANA SPECIES EXCEPTION TO WILDLIFE SANCTUARY;
PROVIDING FOR CAPTURE, HUMANE EUTHANASIA, AND
TRESPASS; PROVIDING FOR EXCEPTIONS AND
PROHIBITIONS; PROVIDING FOR ENFORCEMENT AND
PENALTY; PROVIDING FOR CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION;
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, green iguanas cause damage to residential and
commercial landscape vegetation and are often considered a
nuisance by property owners; and

WHEREAS, green iguanas cause damage to infrastructure
by digging burrows that erode and collapse sidewalks,
foundations, seawalls, berms and canal banks

WHEREAS, green iguanas are not native to Florida and
are considered an invasive species due to their impacts to
native wildlife; and

WHEREAS, the all nonnative reptile species, green
iguanas are not protected in Florida except by anti-cruelty law

1 and can be humanely killed on private property with landowner
2 permission; and

3 WHEREAS, the Florida Fish and Wildlife Commission (FWC)
4 encourages removal of green iguanas from private properties by
5 landowners; and

6 WHEREAS, captured iguanas cannot be relocated and
7 released at other locations in Florida; and

8 WHEREAS, the Margate City Commission wishes to protect
9 Margate property and wildlife from nuisance green iguanas
10 while simultaneously protecting Margate persons and property.

11 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
12 THE CITY OF MARGATE, FLORIDA:

13 **SECTION 1:** That Chapter 6, "ANIMALS AND FOWL,"
14 Section 6-1, "City designated bird sanctuary," of the City of
15 Margate Code of Ordinances be, and the same is hereby amended
16 to read as follows:

17 **Sec. 6-1. City designated bird and wildlife sanctuary.**

18 (a) All of the territory embraced within the eCity limits
19 of the City of Margate shall be and is hereby declared
20 to be a bird and wildlife sanctuary. ~~It is hereby~~
21 ~~declared that all territory embraced within the~~
22 ~~corporate limits of the eCity shall be and is hereby~~
23 ~~declared to be a bird and wildlife sanctuary.~~ It shall

1 be unlawful for any person to take, capture, ensnare,
2 net, trap, or in any other manner molest any bird or
3 wildlife; or in any manner molest the nest eggs of any
4 bird, or nest or any wildlife. Authorization by
5 "written permit" to trap wildlife or remove nests, nest
6 eggs and/or non-indigenous birds will be issued after
7 the animal control officer determines that said
8 animal(s) have created a nuisance. Upon the
9 determination of the existence of a nuisance by the
10 animal control officer, said animals or birds may be
11 removed only upon the specification of the animal
12 control officer. The animal control officer reserved
13 the right to revoke, or deny a permit for violators of
14 the policy and/or when conditions exist that are not
15 favorable for trapping or removing. Noncompliance with
16 the above shall be deemed a violation of this section.

17 (b) Exception.

18 This Section shall not apply to non-native invasive
19 iguana species as designated by the Florida Fish and
20 Wildlife Conservation Commission.

21 **SECTION 2:** That Chapter 6, "ANIMALS AND FOWL,"
22 Section 6-25, "Injury to animals," of the City of Margate Code
23 of Ordinances, be, and the same is hereby amended to read as

1 follows:

2 **Sec. 6-25. Cruelty and Injury to animals.**

3 (a) It shall be unlawful for any person to torture,
4 torment, beat, kick, strike, mutilate, injure, disable
5 or kill any animal, except as provided herein.

6 (b) It shall be unlawful for any person to use painful
7 techniques and devices, that may cause or are likely to
8 cause, physical injury, torment or pain and suffering
9 to animals, including, but not limited to: electric
10 prods or shocking devices; shocking spurs or rowels;
11 flank or bucking straps or similar devices; wire tie-
12 downs; chains used as tie-downs; whips or bull-whips
13 (excluding riding crops); ankuses or bull-hooks, or
14 similar devices.

15 (c) Exception: Non-native invasive iguana species

16 (a) Non-native invasive iguana species may be captured
17 and humanely euthanized, with permission of the
18 property owner, in accordance with the Florida Fish and
19 Wildlife Conservation Commission's and American
20 Veterinary Medical Association's guidelines.

1 (b) Use of any projectile or missile in the capture and
2 humane euthanasia of these species shall be in
3 compliance with Section 33-15 of the City Code.

4 **SECTION 3:** That Chapter 33, "Police and Law
5 Enforcement; Offenses and Miscellaneous Provisions," Article I,
6 "Miscellaneous Provisions," of the City of Margate Code of
7 Ordinance is amended to create a new Section 33-15, "Projectile
8 or other missiles," to read as follows:

9 **Section 33-15 - Reserved Projectile or other missiles**

10 (a) Prohibition: It shall be unlawful for any person within
11 the corporate limits of the City to willfully or
12 carelessly discharge, throw, shoot, or launch any
13 stone, stick, projectile, or other missile in such a
14 manner as to hit, injure, or endanger any person or
15 property. This prohibition shall not apply to a person
16 discharging any air gun or BB gun for the eradication
17 of iguanas on the person's private property if the
18 missile or lead does not leave the person's private
19 property.

20 (b) Any person who in taking or attempting to take any
21 animal, or in killing, attempting to kill, or
22 endangering any animal, knowingly propels or causes to
23 be propelled any potentially lethal projectile over or

1 across private land without authorization of the
2 property owner commits trespass as provided for by
3 Sections 810.08 and 810.09 of the Florida Statutes and
4 City Code Section 33-33.

5
6 SECTION 4: That Chapter 33, "Police and Law
7 Enforcement; Offenses and Miscellaneous Provisions," Article I,
8 "Offenses, Miscellaneous Provisions," Section 33-33,
9 "Trespassing; penalty," of the City of Margate Code of
10 Ordinances, is hereby amended to read as follows:

11 **Sec. 33-33. Trespassing; penalty.**

12 (a) It shall be unlawful for any person to trespass upon the
13 property of another. A person commits the offense of trespass
14 if,

15 (1) without being authorized, licensed or invited, he
16 willfully enters upon or remains in any property other
17 than a structure or conveyance as to which notice
18 against entering or remaining is given by actual
19 communication to the defendants or posting or fencing-,
20 or

21 (2) ~~It shall further be an unlawful trespass~~ where any
22 person defies an order to leave, personally
23 communicated to him by the owner of the premises or
24 other authorized person-~~,~~ or

1 (3) without authorization of the property owner,
2 knowingly propels or causes to be propelled any
3 potentially lethal projectile over or across private
4 land.

5 (b) Nothing in this Section shall preclude enforcement of
6 trespass in county court as a felony of third degree as
7 provided by Section 810.09(1)(h) of Florida Statutes.

8
9 **SECTION 5:** All ordinances or parts of ordinances in
10 conflict are repealed to the extent of such conflict.

11 **SECTION 6:** If any section, sentence, clause, or phrase
12 of this Ordinance is held to be invalid or unconstitutional by
13 a court of competent jurisdiction, then said holding shall in
14 no way affect the validity of the remaining portions of this
15 Ordinance.

16 **SECTION 7:** It is the intention of the City Commission
17 that the provisions of this Ordinance shall become and be made
18 a part of the City of Margate Code, and that the sections of
19 this Ordinance may be renumbered or relettered and the word
20 "ordinance" may be changed to "section", "article" or such
21 other appropriate word or phrase in order to accomplish such
22 intentions.

23 **SECTION 8:** This Ordinance shall become effective

1 immediately upon adoption at its second reading.

2
3 PASSED ON FIRST READING THIS _____ day of _____ 2025.

4 PASSED ON SECOND READING THIS _____ day of _____ 2025.

5 ATTEST:

6
7
8 _____
9 JENNIFER M. JOHNSON
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

10 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING
11

12 Ruzzano _____
13 Caggiano _____
14 Simone _____
15 Arserio _____
16 Schwartz _____
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18
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Ruzzano _____
Caggiano _____
Simone _____
Arserio _____
Schwartz _____