

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, cane toad (also known as the bufo,
20 giant, or marine toad), or any other non-native
21 invasive species as designated by the Florida Fish and
22 Wildlife Conservation Commission.

23 **SECTION 2:** That Chapter 6, "ANIMALS AND FOWL,"

1 Section 6-25, "Injury to animals," of the City of Margate Code
2 of Ordinances, be, and the same is hereby amended to read as
3 follows:

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

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

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

17 (c) Exception: Non-native invasive ~~iguana~~ species

18 (a) Non-native invasive iguana, cane toad, or any other
19 non-native invasive species may be captured and
20 humanely euthanized, with permission of the property
21 owner, in accordance with the Florida Fish and Wildlife

1 Conservation Commission's and American Veterinary
2 Medical Association's guidelines.

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

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

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

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

22 (b) Any person who in taking or attempting to take any
23 animal, or in killing, attempting to kill, or

1 endangering any animal, knowingly propels or causes to
2 be propelled any potentially lethal projectile over or
3 across private land without authorization of the
4 property owner commits trespass as provided for by
5 Sections 810.08 and 810.09 of the Florida Statutes and
6 City Code Section 33-33.

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

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

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

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

23 ~~(2) It shall further be an unlawful trespass where any~~
24 person defies an order to leave, personally

1 communicated to him by the owner of the premises or
2 other authorized person~~-, or~~

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

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

11 **SECTION 5:** All ordinances or parts of ordinances in
12 conflict are repealed to the extent of such conflict.

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

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

intentions.

SECTION 8: This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS _____ day of _____ 2025.

PASSED ON SECOND READING THIS _____ day of _____ 2025.

ATTEST:

JENNIFER M. JOHNSON
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

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

Ruzzano _____
Caggiano _____
Simone _____
Arserio _____
Schwartz _____

Ruzzano _____
Caggiano _____
Simone _____
Arserio _____
Schwartz _____