

**ORDINANCE NO. 2013 - 002**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE ENTITLED "EQUINE PROTECTION ACT, A.K.A. MARCO'S LAW"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on or about August 18, 2012, an eight-year-old retired racehorse named Marco was found slaughtered; and

**WHEREAS**, investigators believe that Marco had been escorted through his paddock to an arterial road where an awaiting vehicle took him a half mile away to be butchered; and

**WHEREAS**, the Town's law enforcement agency has a team of investigators working on this matter to help ensure that no other horse will ever be found victimized like this in the Town of Southwest Ranches; and

**WHEREAS**, in addition to criminal trespass, the theft of Marco, and the animal cruelty that he suffered, it is a third degree felony in the State of Florida to sell horse meat, in this manner; and

**WHEREAS**, in addition to the other potential criminal charges, the slaughtering of Marco for his meat subjects the violators to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year; and

**WHEREAS**, the Town of Southwest Ranches ("Town") finds extreme importance in protecting its equine community and in preventing animal cruelty; and

**WHEREAS**, in memory of Marco, and to help prevent this egregious act from ever happening in the Town again, the Town Council desires to establish its own Equine Protection Act, where it will assign the maximum penalties allowed by law if such a violation ever occurs in the Town again.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

**Section 2.** That a Section to the Town's Code entitled "Equine Protection Act a.k.a. Marco's Law" is hereby created to read as follows:

Equine Protection Act a.k.a. Marco's Law.

A. In accordance with Section 828.125, Florida Statutes, as may be amended from time to time, any person who willfully and unlawfully, by any means whatsoever, kills, maims, mutilates, or causes great bodily harm or permanent disability, to any animal of the genus Equus (horse) commits a violation of the Town's Code.

B. In accordance with Section 500.451, Florida Statutes, as may be amended from time, it shall be a violation of the Town's Code to transport, distribute, sell, purchase, or possess horse meat for human consumption, unless in strict accordance with law.

C. A violation of this Section presents a serious threat to the public health, safety, and welfare. The Town has found that a violation of this Section causes irreparable or irreversible harm, and as such, a violation of this Section shall be prosecuted to the fullest extent and in accordance with the highest civil penalties and maximum sentence afforded by law.

**Section 3. Inclusion in the Code.** This Ordinance shall be codified and included as part of the Town's Code of Ordinances. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 5. Severability.** If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

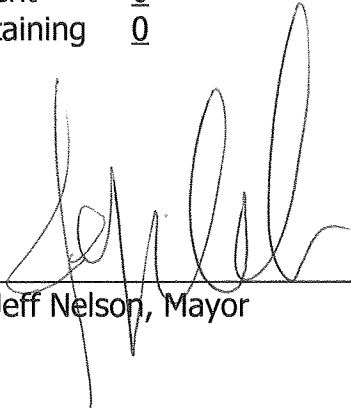
**Section 6. Effective Date.** That this Ordinance shall become effective upon adoption on second reading.

**PASSED ON FIRST READING** this 27<sup>th</sup> day of September 2012, on a motion by Council Member Breitkreuz and seconded by Vice Mayor McKay.

**PASSED ON SECOND READING** this 25<sup>th</sup> day of October 2012, on a motion made by Council Member Breitkreuz and seconded by Vice Mayor McKay.

Nelson YES  
McKay YES  
Breitkreuz YES  
Fisikelli YES  
Jablonski YES

Ayes 5  
Nays 0  
Absent 0  
Abstaining 0



---

Jeff Nelson, Mayor

ATTEST:



---

Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



---

Keith M. Poliakoff, Town Attorney  
ACTIVE: 4086474\_1