

ORDINANCE NO. 23-3

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 5 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ANIMALS AND FOWL;" BY SPECIFICALLY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 5-3, ENTITLED "NUISANCES DEFINED; ACTIONS CONSTITUTING NUISANCES;" AMENDING THE DEFINITION OF "PUBLIC NUISANCE" TO INCLUDE CERTAIN ACTIVITIES ON PUBLIC AND PRIVATE PROPERTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission seeks to clarify the definition of "public nuisance," as it relates to the excessive feeding of feral animals and fowl in the City, to include public and private property; and

**WHEREAS**, the City Commission has held a public hearing to consider the input of the general public; and

**WHEREAS**, the City Commission finds that amending the City Code to clarify the definition of "public nuisance," as it relates to the excessive feeding of feral animals and fowl, is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amended.** That Article I, entitled "In General," of Chapter 5, entitled "Animals and Fowl," of the City of Cooper City Code of Ordinances is hereby amended by amending Section 5-3, entitled "Nuisances, defined; actions constituting nuisances," as follows:

**Sec. 5-3. - Nuisances defined; actions constituting nuisances.**

- (a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the health of, safety of, or damages a member of the general public or property, ~~or and~~ interferes with the ordinary use and enjoyment of ~~their public or private~~ property, including, but not limited to common areas, rights-of-way and sidewalks.
- (b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance:
- (1) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely fashion to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
  - (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or other plant material.
  - (3) Maintaining an animal that is diseased and dangerous to the animal or to the public health, welfare or safety.
- (c) In all residential zoning districts, it shall be unlawful to house more than three dogs, excluding offspring less than four months of age, per dwelling unit.

**SECTION 3. Conflict.** 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 4. Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**SECTION 5. Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of

Ordinances of the City of Cooper City, Florida, 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 6. Effective Date.** This Ordinance shall become effective upon passage and adoption.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
GREG ROSS  
Mayor

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN, CMC

Approved As To Legal Form:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**  
Mayor Ross \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner ~~Shrouder~~Katzman \_\_\_\_\_  
Commissioner ~~Mallozzi~~-Katzman \_\_\_\_\_  
Commissioner ~~Shrouder~~Mallozzi \_\_\_\_\_