

ORDINANCE NO. 23-2

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 CREATING SECTION 5-4, TO BE ENTITLED "HARBORING AND EXCESSIVE FEEDING FERAL CATS AND FOWL; PROHIBITED;" PROVIDING FOR A DEFINITIONS; PROHIBITING THE FEEDING OF FERAL CATS AND FOWL IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the excessive feeding of feral and wild animals in the City of Cooper City (the "City"), including cats and fowl, has effected many residents' quiet enjoyment of their property; and

WHEREAS, excessing feeding of feral and wild animals results in a proliferation of animal feces throughout the City, including in many residential communities; and

WHEREAS, the excessive feeding of feral and wild animals further results in the spreading of disease and harmful bacteria that threatens the health and welfare of the community; and

WHEREAS, the City Commission seeks to establish reasonable regulations to control the harboring and excessive feeding of feral and wild animals in the City; 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 establish reasonable regulations for the harboring and excessive feeding of feral and wild animals in the

City will protect the health, safety and welfare of the community and 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 25, entitled “Animals and Fowl,” of the City of Cooper City Code of Ordinances is hereby amended by specifically creating Section 5-4, to be entitled “Harboring and Feeding Wild Animals,” as follows:

Sec. 5-4 Harboring and Excessive Feeding Feral Cats and Fowl; Prohibited

- 1) For the purposes of this subsection, the following terms shall have the meanings indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstandings.
 - a) Excessive feeding shall mean the feeding of feral animals and fowl at a rate which disturbs the right of, threatens the safety of, or damages a member of the general public; or interferes with the ordinary use an enjoyment of another’s property, or constitutes a public nuisance.
 - b) Feral shall mean an animal that exists in an untamed state or that has returned to an untamed state, generally not socialized to human contact, and is no longer considered domesticated.
 - c) Harboring shall mean the act of keeping and caring for a feral cat or wild fowl, or providing a premises to which the animal returns for food, shelter or care, for a period of at least forty-eight (48) hours. Harboring shall not include circumstances in which an individual captures a cat and locates or attempts to find the cat’s owner in good faith.
 - d) Public nuisance shall mean the accumulation of droppings or feathers, the attraction of vermin, the blockage of streets or public rights-of-way, the causing of damage to real property, and shall include the definition set forth in Sec. 5-3 of the City Code.

2) Prohibition. The excessive feeding and harboring of feral cats and wild fowl in the city is prohibited.

3) Enforcement. This subsection may be enforced by the City as follows:

a) As provided by City's code enforcement procedures found in chapter 13 of this Code;

b) As provided in section 1-8 of this Code; or

c) Through any legal remedy available to the City

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 Katzman _____
Commissioner Mallozzi _____
Commissioner Shrouder _____