

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED "ANIMALS" BY AMENDING SECTION 10-2, TO AMEND THE DEFINITIONS; BY AMENDING SECTION 10-4, TO CLARIFY THAT IT IS UNLAWFUL FOR AN OWNER TO ALLOW ANY ANIMAL TO RUN AT LARGE ON PUBLIC PROPERTY; BY AMENDING SECTION 10-11, TO PROVIDE THAT IT IS UNLAWFUL TO FEED OR PROVIDE SUSTENANCE TO FERAL, STRAY OR WILD ANIMALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West finds that it is necessary to amend Chapter 10 of the Code of Ordinances; and

WHEREAS, feral and stray animals within the City can create a nuisance disturbance, carry and spread diseases, destroy property, and cause copious amounts of fecal deposits on public property; and

WHEREAS, feral animals that have not been spayed or neutered and vaccinated against the rabies virus may constitute health and environmental risks to domesticated animals, native wildlife, and persons; and

WHEREAS, the City has received complaints from its residents regarding the feeding of feral animals and stray animals by persons; and

WHEREAS, an amendment to section 10-4 of the Code of Ordinances to clarify that it is unlawful for an owner or keeper of any type of animal to allow the animal to run at large and such prohibition will promote the health, safety and welfare of the citizens and visitors of the City of Key West by preventing possible nuisance disturbances, destruction of property and injuries to persons; and

WHEREAS, an amendment to section 10-11 of the Code of Ordinances prohibiting the feeding, maintaining, harboring and keeping of feral and stray animals will promote the health, safety and welfare of the citizens and visitors of the City of Key West by preventing the proliferation of feral and stray animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 10-2 of the Code of Ordinances is hereby amended as follows*:

Sec. 10-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning:

[...]

Feral Animal means an animal that has escaped from domestication or has been abandoned to the wild and has become wild, and the offspring of such animals. For purposes of this chapter, feral animal may include, but not be limited to, cat(s), dog(s), and/or poultry.

[...]

Owner means any person owning, having an interest in, or having control or custody or possession of, any animal. Ownership shall be constituted when ~~an animal or any person who~~ feeds or shelters an animal or permits it to remain on the person's property for 30 days or more. In any prosecution under this chapter where it is found that an animal is in the custody or control of a minor, it shall be presumed that the owner of such animal is the parent or legal guardian of such minor.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Section 2: That Section 10-4 of the Code of Ordinances is hereby amended as follows*:

Sec. 10-4. - Running at large generally.

(a) It is unlawful for any owner or keeper of an animal ~~other than a domestic cat~~ to willfully or negligently ~~to~~ allow the animal to run at large on any public property or on any private property of another without permission of the property owner. Any owner or keeper of an animal ~~other than a domestic cat~~ must leash the animal in any city park where posted. Posting of a particular park shall be determined by the city manager upon the advice of the director of parks and recreation.

[...]

Section 3: That Section 10-11 of the Code of Ordinances is hereby amended as follows*:

Sec. 10-11. - Keeping fowl, Poultry or wildlife.

(a) It shall be unlawful for any person to feed, provide food, water, or other forms of sustenance (feeding) to a feral animal or stray animal within the city.

(b) The city shall not accept or be responsible for the keeping of any nondomesticated fowl or wildlife.

(c) Exceptions. Live poultry may be kept by any person in the city, provided that such poultry is kept in accordance with the following conditions:

(1) All live poultry shall be kept in screened coops or pens which are maintained in a sanitary condition free from odors and free from fly breeding.

(2) All food used for poultry shall be kept in a suitable container with a tightfitting cover so as to be inaccessible to rats.

(3) All poultry droppings shall be removed from the coops or pens at least every 24 hours, tightly wrapped, and disposed of as provided by sections of this Code regarding disposal of solid waste. Droppings shall not be used for fertilizer.

(d) Any person who violates this section shall be subject to the penalties as prescribed in chapter 2, article VI, division 2 of the Code of Ordinances for the City of Key West.

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2020.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2020.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2020.

Filed with the Clerk _____, 2020.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK