

ORDINANCE NO. 2017-021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 5, "ANIMALS," SECTION 5-2, "DEFINITIONS," SECTION 5-4, "AUTHORITY OF POLICE DEPARTMENT AND DEVELOPMENT SERVICES DEPARTMENT TO ENFORCE," SECTION 5-5, "KEEPING AGRICULTURAL AND FARM ANIMALS," SECTION 5-8, "WILD ANIMALS," SECTION 5-11, "PENALTIES AND FINES," TO PROHIBIT THE RELEASE OF WILD ANIMALS ON CITY PROPERTY, PROVIDE PENALTIES FOR VIOLATION, AND UPDATE TERMINOLOGY THEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coconut Creek has determined that the release of raccoons and other wildlife within the City constitutes a health and safety hazard; and

WHEREAS, it has come to the City's attention that people may be releasing wild animals within the City's limits, and the City Commission desires to deter them from continuing to do so; and

WHEREAS, the City Commission is charged with protecting the health, safety, and welfare of its residents and visitors to the City and believes this Ordinance to be in the best interests of the residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 5, "Animals," Sections 5-2, "Definitions," 5-4, "Authority of Police Department and Development Services Department to Enforce," 5-5,

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“Keeping Agricultural and Farm Animals,” 5-8, “Wild Animals,” and 5-11, “Penalties and Fines,” to read as follows:

Sec. 5-2. - Definitions.

Wild animal means any non-domesticated animal whether native or non-native, protected or non-protected, any animal not under the control or ownership of any person, or any non-human primate, raccoon, feral cat, skunk, fox, ferret, poisonous snake, leopard, panther, tiger, lion, lynx or any animal bird, amphibian, fish, invertebrate, mammal or reptile so classified by the Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission or such successor agency.

Sec. 5-4. - Authority of ~~p~~Police ~~d~~Development and Department of Sustainable ~~d~~Development services department to enforce.

The ~~p~~Police ~~d~~Development and Department of Sustainable ~~d~~Development services department shall be responsible for enforcing this ~~e~~Chapter, and may promulgate rules and regulations incidental to the proper administration, implementation, and enforcement of this ~~e~~Chapter.

Sec. 5-5. - Keeping agricultural and farm animals.

(b) No person shall keep more than four (4) agricultural animals per acre within any residential district where any such animals are permitted, unless authorized by the appropriate regulating state agency.

Sec. 5-8. - Wild animals.

- (a) No person shall keep any wild animal within the ~~e~~City limits without first obtaining a permit from the Florida Fish and Wildlife Conservation Commission, when applicable.
- (b) No person shall release any wild animal upon City property.
- (c) Any person cited for a violation of this Section shall be charged with a fine in the amount of five hundred dollars (\$500.00) per animal per violation. If a violation is

deemed irreparable or irreversible in nature by order of the Special Magistrate, same shall be subject to a fine not to exceed five thousand dollars (\$5,000.00) per violation.

(d) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided by Sections 775.082 and/or 775.083, Florida Statutes, as amended from time to time.

Sec. 5-11. - Penalties and fines.

Unless another penalty is expressly provided by this Code or State Statute for any particular provision within this Chapter, Upon a finding by the code enforcement board, ~~s~~Special master~~Magistrate~~, or a court of competent jurisdiction, that a person has violated any provision of this ~~e~~Chapter, a fine shall be imposed pursuant to ~~s~~Section 1-8 of the Code of Ordinances, together with any additional fines or penalties imposed by the code enforcement board, ~~s~~Special master~~Magistrate~~, or the court.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 11TH DAY OF MAY, 2017.

PASSED SECOND READING THIS 25TH DAY OF MAY, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

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EML
5/4/17

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