

ORDINANCE NO. 2023-026

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," SPECIFICALLY SECTIONS 5-2, "DEFINITIONS," 5-3, "ADOPTION OF COUNTY ANIMAL CONTROL ORDINANCE," 5-5, "KEEPING AGRICULTURAL AND FARM ANIMALS," 5-6, "PROHIBITION ON NUISANCES; RUNNING AT LARGE, VICIOUS DOGS, DOGS HAVING BITTEN OR ATTACKED," 5-7, "PROHIBITION OF CRUELTY TO ANIMALS," 5-8, "WILD ANIMALS, WATERFOWL, AND RELATED NUISANCES," AND 5-9, "IMPOUNDING, DISPOSITION OF ANIMALS," TO CLARIFY DEFINITIONS, PROHIBIT PUBLIC NUISANCES CAUSED BY UNNATURAL CONGREGATIONS OF WILDLIFE, AND UPDATE LANGUAGE TO BE CONSISTENT WITH STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2017 and 2019, the City Commission considered amendments to Chapter 5, "Animals," of the City's Code of Ordinances, and the legislative findings made in Ordinance Nos. 2017-021 and 2019-029 are adopted and incorporated herein; and

WHEREAS, those amendments accomplished various goals and objectives that sought to ensure and protect the integrity of our neighborhoods, support our business community, maintain our residents' quality of living, and maximize property values; and

WHEREAS, these new amendments seek to further clarify those original goals and objectives that deter the release of wild animals on City-owned or leased property, including, but not limited to: raccoons, feral cats, possums, poisonous snakes, waterfowl, and many others, as well as preventing the unnatural congregation of said wildlife within the City; and

WHEREAS, the City is committed to helping alleviate food insecurity and providing the ability for its residents to eat healthy, locally-grown food by allowing residents to own

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Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

chickens within the City based on the lack of any negative impacts of those animals upon adjacent properties and the community as a whole; and

WHEREAS, effective October 1, 2023, Chapter 2023-253, Laws of Florida, requires the City to update portions of Chapter 5, "Animals," in relation to regulating specific dogs according to a given breed, weight, or size; and

WHEREAS, the newly proposed language will further the goals of the City and provide consistency with state law and eliminate unintended impediments to enforcement by giving more discretion to Code Enforcement Officers and Animal Services Officers to determine how and when to conduct investigations and their enforcement activities pursuant to Chapter 5, "Animals;" and

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

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 5, "Animals," specifically the following Sections 5-2, "Definitions," 5-3, "Adoption of county animal control ordinance," 5-5, "Keeping agricultural and farm animals," 5-6, "Prohibition on nuisances; running at large, vicious dogs, dogs having bitten or attacked," 5-7, "Prohibition of cruelty to animals," 5-8, "Wild animals, waterfowl, and related nuisances," and 5-9, "Impounding, disposition of animals," to read as follows:

Sec. 5-2. 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:

Agricultural or farm animals means those animals such as horses, cattle, pigs, sheep, goats and fowl that are kept by an owner within those areas zoned agricultural for the purposes of raising, breeding or selling them for profit, ~~or that are kept within those residential districts permitting such animals.~~

At large means off the premises of the owner and not under the control, custody, charge or possession of the owner, or some other responsible person.

Domestic animal means ~~those animals normally kept as household pets within a residence such as dogs, cats, rabbits, guinea pigs, hamsters, parrots, parakeets or turtles~~ any dogs, cats, rabbits, guinea pigs, hamsters, parrots, parakeets, turtles, or other tamed beast or bird that is raised as a pet of its owner. Domesticated animals are those animals normally kept as household pets within a residence; however, a domestic animal may include a chicken (or chickens) that is tamed and raised by its owner as a pet that lives in a chicken coop outside of the household, so long as no more than six (6) chickens live outside of the household per quarter of an acre of real property, and the real property is owned or rented in the chicken(s) owner's name. The treatment of chickens as domestic animals pursuant to this definition does not extend to rosters or any other animal.

Feed or feeding means the placing, exposing, depositing, distributing, or scattering, directly or indirectly of shelled, shucked, or un-shucked corn, wheat, meal or other grain, sorghum, alfalfa, bread, salt, food, garbage, food scraps, fruits, nuts, honey, vegetables, or any other food or animal byproducts, or nutritive substances, in any manner or form, so as to constitute a lure, attraction, or enticement to, on, or over any such area where such feed items have been placed, exposed, deposited, distributed, or scattered, out of doors, or inside any structure, whether in a container or otherwise, where such substance is accessible to or used by any animal.

Keep or keeping means the act of sheltering, holding in confinement, offering refuge or protection, or ~~feeding~~ behaving in such a manner toward the animal(s) so as to establish the animals' regular congregation, travel or visitation patterns in or near a structure or other form of shelter.

Kennel means an establishment for the breeding, boarding or selling of cats and dogs or any place where four (4) or more dogs or cats, or any combination, over four (4) months of age are kept unless such kennel is maintained in compliance with applicable zoning and licensing requirements of this Code.

Owner means ~~any person owning, boarding, harboring, keeping or controlling an animal within the city~~ any natural person, firm, association, or corporation that owns, keeps, or harbors an animal. Animal shelters that keep or harbor animals on a temporary basis shall not be deemed to be owners. For purposes of this chapter, the knowledge and acts of agents and employees of business entities in regard to animals transported, owned, employed by, or in the custody of a business entity shall be deemed to be the knowledge and acts of such business entity. If the owner is a minor, as defined by statute, the minor's parent(s) or legal guardian(s) shall be deemed the owner for purposes of this chapter.

Tether shall mean the restraining of an animal by the tying to any object or structure, including, without limitation, a house, tree, fence, post, garage, weight or shed, by any means, including, without limitation, a chain, rope, cord, leash or running line, but shall not include the use of a leash used to walk the animal or to forms of restraint used in the transportation of animal.

Waterfowl means a water bird, particularly swimming birds including but not limited to swans, geese, ducks, anhinga, and cormorants. Waterfowl may also be considered wild animals or wildlife, as described throughout this Chapter 5, "Animals."

Wild animal or wildlife means any non-domesticated animal whether native or non-native, protected or non-protected, or any non-human primate, raccoon, feral cat, skunk, fox, ferret, poisonous snake, leopard, panther, tiger, lion, lynx or any bird, amphibian, fish, invertebrate, mammal, waterfowl, or reptile so classified by the Florida Fish and Wildlife Conservation Commission ~~or such successor agency~~, or other comparable state or federal agency.

Sec. 5-3. Adoption of county animal control ordinance.

The city hereby adopts and incorporates, ~~as if set forth herein, any animal control ordinance, and any amendments thereto, promulgated by the county which are not in conflict with the provisions of this chapter. This includes, but is not limited to, any and all requirements for inoculation and licensing of dogs and cats~~ the animal safety standards set forth in Chapter 4, "Dogs and Cats," within the Broward County Code of Ordinances, and incorporates said animal control ordinances herein, but only to the extent that same provides the highest and best standards for the safety of animals. In the event of a conflict between Chapter 4 of the Broward County Code of Ordinances and those set forth herein, the highest and best standard to ensure the safety of animals shall prevail. However, if a conflict arises as to procedures and the City's overall administration of this Chapter 5, "Animals," those sections of the Broward County Code must be interpreted as providing an additional, supplemental, or alternative means of enforcing the City's ordinances. This section does not prohibit the City from interpreting and enforcing its codes or ordinances using any other means, including, but not limited to, the procedures provided herein and within other parts of the City's Code of Ordinances, generally.

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

- (a) It shall be unlawful for any person owning any agricultural farm animal to permit, either willfully or through failure to exercise due care, the animal to stray, run or roam at large on the public streets or sidewalks of the city or upon any private property without the consent of the owner of that private property. It shall be the responsibility of the owner of any agricultural or farm animal which escapes from its enclosure to immediately recapture the animal as well as inform the police department that the animal is at large and might be creating a hazard. All agricultural and farm animals shall be kept and controlled in a manner so as not to create a nuisance ~~through loud~~

~~or annoying noise, vicious or mean behavior, or by obnoxious or annoying smell as defined by Section 823.14, "Florida Right to Farm Act," Fla. Stat., as may be amended from time to time.~~

- (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~~ agricultural animals within any zoning district of the City, unless keeping such agricultural animals is part of a bona fide farm operation on land classified as agricultural land. In such cases, agricultural animals may be kept as part of an agricultural or farm operation so long as the operation conforms to the relevant agricultural Best Management Practices (BMPs) promulgated under Florida law, or such other livestock management rules and regulations issued by the Florida Department of Agriculture and Consumer Services Department, as may be amended from time to time. The Special Magistrate or code enforcement hearing officer may find a violation of this section if it is shown that the relevant BMP manual for such agricultural commodity (e.g. poultry operation, cow/calf operation, equine operation, etc.) or other Florida Department of Agriculture and Consumer Services Department-issued livestock management rules and regulations are not being followed.

Sec. 5-6. Prohibition on nuisances; running at large, vicious dogs, dogs having bitten or attacked.

- (a) It shall be unlawful for any person owning any animal to permit the animal, either willfully or through failure to exercise due care, to create a nuisance within the city through loud or annoying noise, vicious or mean behavior, obnoxious or annoying smell, or by permitting the animal to deposit excrement on public property, streets or sidewalks of the city (without cleaning it up); or upon private property, or on the common areas of private property maintained by an association without the consent of the owner of the private property (and without cleaning it up). Roosters are prohibited within the City's boundaries, as same are considered a nuisance animal; except a rooster may be allowed within the City so long as it is part of a bona fide farm operation on land classified as agricultural land pursuant to Section 193.461, Fla. Stat., as may be amended from time to time.
- (b) It shall be unlawful for any person owning any animal to permit, either willfully or through failure to exercise due care, the animal to stray, run, or roam at large on any public property, or on the common areas of private property maintained by an association, street, sidewalk, or on any private property without the consent of the owner of that property. All animals shall be restrained by the owner by utilizing a leash or other method while the owner and the animal are on the public property, or on the common areas of private property maintained by an association, streets and sidewalks. Further, ~~no animal shall be permitted to enter any city or public park; provided, however, that this provision shall not apply to those parking areas specifically exempted.~~ An officer may issue a citation, or summons, to the owner of such dog that is found by the officer to be at large, as provided herein. Additionally, the officer may seize and impound the at-large dog at the owner's sole expense.
- (c) It shall be unlawful for any person to keep any vicious dog within the city limits. For purposes of this section, vicious dogs shall mean any ~~breed or type~~ dog which has

shown a propensity to unwarrantedly and without provocation bite or attack any person or animal.

- (d) The city hereby determines it to be in the best interests of the health, safety and welfare of the residents of the city to provide safeguards from those dogs kept within the city that bite or attack any person or animal. As such, the city adopts the following requirements:

(1) It shall be unlawful for any person who owns a dog that has bitten or attacked any person or animal on public property, or on the common areas of private property maintained by an association, or property owned by another person, to cause the dog to be removed from or to allow the dog to leave public or private property, or on the common areas of private property maintained by an association, without it being muzzled and secured by a leash no greater than three (3) feet in length. Following receipt of a dog bite report to the city, a notice mailed certified, return receipt requested, shall be forwarded to the owner of the dog, ordering that the dog is not to be removed from private property without being muzzled and is to be kept on a leash no greater than three (3) feet in length, which is held securely by a person.

(2) It shall be unlawful to maintain or keep any dog within the city limits which has twice bitten or attacked any person or animal on the public property, or on the common areas of private property maintained by an association, or property owned by another person. Upon receipt of a second dog bite report by the city involving the same dog, the code enforcement officer or animal services officer, shall immediately commence proceedings against the owner of the dog, seeking an order from the Special Magistrate or code enforcement board to have the dog permanently removed from the city limits.

- (e) ~~An investigation of an alleged violation of section 5-6(a) and (b) shall commence upon the receipt of two (2) sworn affidavits of complaint signed by two (2) unrelated residents living in separate dwellings in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known. Upon receipt of two (2) sworn affidavits, enforcement procedures pursuant to section 2-230 of this Code may be instituted against the owner or custodian of any animal alleged to be in violation of this section. The City shall investigate a duly reported incident involving a dog bite that occurs on public property, or on the common areas of private property maintained by an association, or property owned by another person located within the City. As part of the investigation, the code enforcement officer or animal services officer may – but it is not required— interview the dog's owner and request a sworn affidavit from any person, including but not limited to any animal care specialist or law enforcement officer, who may have information relating to whether the dog poses a threat to public health or safety.~~

(1) Exemptions. The following situations are exempt from this subsection and subsection 5-6 (d), above:

a. Dogs that are owned, or the services of which are employed, by a law enforcement agency are exempt from this section;

b. Hunting dogs, when engaged in any legal hunt or training procedure, and dogs, when engaged in training or exhibiting in legal sports or procedures such as

obedience trials, conformation shows, field trials, hunting or retrieving trials, and herding trials, are exempt from this section.

Sec. 5-7. Prohibition of cruelty to animals.

- (a) ~~It shall be unlawful for any person to overload, to drive when overloaded, to overwork, to deprive of necessary sustenance, to torture, torment, or cruelly beat, mutilate, cause or procure to be so overloaded, overworked, deprived of necessary sustenance, tortured, tormented, cruelly beaten, or mutilated any animal, either as owner or otherwise. Any person who beats, cruelly ill-treats, torments, overloads, overworks, fails to provide sanitary living conditions, starves, fails to provide reasonable medical care for illness or injury, confines a domestic animal in violation of Section 5-7(b) below, hoards animals, or otherwise abuses an animal or intentionally causes such animal to be mutilated or inhumanely killed, or causes the same to be done or otherwise treats an animal in a cruel or inhumane manner, shall be deemed to be in violation of this section.~~
- (b) ~~It shall be unlawful for any person to permit any such animal to be without proper protection from the weather. It shall be unlawful for any owner to cruelly drive or work any animal when unfit for labor, or to cruelly abandon the same, or knowingly or willingly authorize or permit the same to be subjected to unnecessary torture, suffering or cruelty of any kind.~~
- (c) ~~It shall be unlawful for any person within the city to shoot or in any manner kill, wound or maim any bird of any kind, to throw at any birds any type of projectile, or to disturb their young or their nests unless explicitly granted a permit from the Florida Fish and Wildlife Conversation Commission, or its agents, to conduct such activity. To the extent permitted by law, the city or its designee shall be exempt from this provision when it is managing wildlife or waterfowl, necessary for the health, safety and welfare of the residents or for the protection of the birds themselves.~~
- (d) Any person who owns or any person who is in charge of any animal kept as a pet a dog or dogs who confines that animal outdoors provides for said dog(s) to reside outside of the household or is temporarily kept outdoors on private property must provide the animal dog(s) with:
- (1) Sufficient and appropriate food and potable water; and
 - (2) Adequate shelter from cold, heat, sun, and rain; and Outdoor shelter that is of safe construction and adequate protection from rain, wind, sun, and all elements at all times. Specifically, when the outdoor temperature falls below forty-five (45) degrees Fahrenheit, all dogs that cannot tolerate such temperatures without stress or undue discomfort must be protected from the cold and heat by being moved indoors or provided adequate heating to maintain the air temperature above forty-five (45) degrees Fahrenheit. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit, all dogs must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eighty-five (85) degrees Fahrenheit. Notwithstanding the above, dog(s) may not be maintained outdoors during periods of extreme weather including, but not limited to, hurricanes, tropical storms, and tornados; and

- (3) Periodic supervision, which shall mean that each animal shall be attended to at least once during every twelve (12) consecutive hours; and
- (4) Adequate space for exercise, which shall mean no less than ~~one hundred fifty (150)~~ two hundred (200) square feet of open space per animal, and an additional forty (40) square feet shall be required for each additional dog(s) kept in the same enclosed area; and
- (5) Clean and sanitary shelter that is free from the accumulation of urine and/or excrement, and includes clean and dry bedding material; and
- (56) ~~A fenced yard, an electronic fence, or an enclosure, that is sufficient to prevent the animal from escaping; or~~ An enclosed area, including a fenced yard or other enclosure, that prevents the dog(s) from escaping.
 - a. In lieu of the ~~above~~ enclosures requirement above, a tether is permitted that meets the following requirements:
 1. ~~Animal~~ Dog(s) is in visible and/or ~~sound distance from~~ audible by the owner.
 2. ~~Animal tethering~~ Tethering shall not exceed a time period of thirty (30) minutes between the hours of 7:00 a.m. and 11:00 p.m. Tethering is not permitted between 11:00 p.m. and 7:00 a.m.
 3. ~~Animal or if~~ Dog(s) (and if applicable, includes multiple animals dogs) ~~are~~ is tied to a tether system that either swivels or running line or pulley system in a manner that prevents injury, strangulation, or entanglement.
 4. The tether is not less than ten (10) feet long and not more than fifteen (15) feet long.
 5. The tether does not weigh more than one-eighth ($\frac{1}{8}$) of the dog's total body weight.
 6. ~~Animal~~ Dog(s) is older than six (6) months of age.
 7. ~~Animal has clean drinking water, shade, and dry ground.~~
 87. ~~The animal~~ dog(s) is not sick or injured.
- (ec) Nothing in this section shall be construed to prohibit an owner or keeper from controlling ~~an animal kept as a pet~~ a dog(s) by the handheld use of a rope, leash, or chain.

Sec. 5-8. Wild animals, waterfowl, and related public nuisances.

- (a) Purpose and Prohibitions. The city seeks to address and mitigate issues created by the presence of wild animals within the city, and prohibit actions that create public nuisances caused by unnatural congregations of wild animals and waterfowl.
 - (1) No person shall keep or feed any wild animal or waterfowl within the city limits without first obtaining a permit consistent with Section 379.3762, "Personal possession of wildlife," Fla. Stat., as may be amended, from the Florida Fish and Wildlife Conservation Commission, or its ~~agents,~~ unless within specifically designated wildlife sanctuaries successor agency. Actions which fall within the purview of this section, but do not require a permit from Florida Fish and Wildlife Conservation Commission, or successor agency, are hereby prohibited.
 - (2) ~~No person shall keep or feed any animal, wildlife or waterfowl within the city limits, with or without a permit, in such a manner as to create a nuisance. The~~

city manager, or designee, shall determine a nuisance exists when the animal, wildlife or waterfowl:

- a. ~~Causes or is about to cause property damage;~~
- b. ~~Presents a threat to public safety;~~
- c. ~~Causes an annoyance within, under, or upon a building; or~~
- d. ~~As identified by the Florida Fish and Wildlife Conservation Commission, or its agents, or Florida law.~~

(32) ~~No person shall~~ It is a violation of this section for a person to release any wild animal or waterfowl upon property owned or leased by the city.

(b) *Enforcement.*

(1) ~~In addition to standard enforcement procedures pursuant to the city's code, an investigation of an alleged violation of this section shall commence upon the receipt of:~~

- a. ~~One (1) sworn affidavit of complaint signed by one (1) city employee other than a code enforcement officer (including but not limited to a utility worker or park ranger); or~~
- b. ~~Two (2) sworn affidavits of complaint signed by two (2) unrelated residents living in separate dwellings in the close vicinity of the alleged violation.~~

(2) ~~The affidavit(s) shall specify a description of the violation, the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the person alleged to have committed the violation, if known, and a description of the animal(s), if known.~~

(3) ~~Upon receipt of the required affidavits, enforcement procedures pursuant to section 2-230, "enforcement procedure", of this Code may be instituted against the individual alleged to have acted in violation of this section.~~

(4) ~~Evidence of two (2) or more of the following shall create a rebuttable presumption that a violation of this section has occurred:~~

- a. ~~Affidavit(s) pursuant to paragraph (b)(1) above;~~
- b. ~~Evidence of feeding such as food debris, seed hulls, shells or other food or food container remains is found at the location of the alleged violation;~~
- c. ~~Wildlife or waterfowl are seen congregating more than three (3) times in any given five (5) day period on a property, including waterward of a waterfront property within the area lying between the side property lines if they were extended to the water's edge; or~~
- d. ~~Wild animal or waterfowl excrement is found in large quantities within a concentrated area indicative of multiple wild animals congregating in a single area more than three (3) times in any given five (5) day period, on any given property, including waterward of a waterfront property within the area lying between the side property lines if they were extended to the water's edge.~~

(5) ~~Penalty. In addition to the trespass penalties provided in paragraph (c), below, any person found guilty for a violation of this section shall be charged with a fine in the amount of one hundred dollars (\$100.00) per incident. A second violation shall be charged with a fine in the amount of two hundred fifty dollars (\$250.00) per incident. Third and subsequent violations shall be charged with a fine in the amount of five hundred dollars (\$500.00) per incident. If any given 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 incident. For purposes of continuing violations of this section, each day that a violation exists shall constitute a separate violation.~~

Investigation. The City shall investigate a duly reported incident that involves keeping and/or feeding any wild animal or waterfowl, as defined within this Chapter 5, "Animals." As part of the investigation, the code enforcement officer or animal services officer, may – but is not required to— interview the known reporter of the incident and request a sworn affidavit from any person, including but not limited to any witness, animal care specialist, or law enforcement officer, who may have information relating to whether the reported actions constitute keeping or feeding in violation of this section.

(c) Trespass authority and Criminal Trespass after Warning.

(1) *Property in lawful possession of the city.* The city hereby authorizes any on-duty city employee who personally observes an individual keeping or feeding nuisance wildlife or waterfowl, or releasing any wildlife or waterfowl, upon city-owned or leased property, to communicate by verbal warning to the individual that he/she must cease and desist that activity and must not remain upon city-owned or leased property. If after receiving the verbal warning, the individual remains on city-owned or leased property (even if the individual has ceased his/her prohibited activity), the individual is subject to arrest for the criminal offense of trespass pursuant to F.S. § 810.09, as may be amended from time to time.

(2) *Authorized persons to warn of trespass on private property within the city.* An owner of private property located within the city, his or her agent, or a community association authorized as an agent for the owner, may give written authorization to the city police department to communicate a verbal order to an individual observed violating this section upon private property to immediately leave the private property or be subject to arrest for the criminal offense of trespass pursuant to F.S. § 810.09, as may be amended from time to time.

(3) *Effect of trespass warning.* Once an individual is given a verbal warning not to remain on the particular property as provided herein, that individual must leave the premises immediately and must not return to that property, for any reason, for a period not less than forty-eight (48) hours, rounded to a full day's use of the property, or be subject to arrest for trespassing upon the property without authorization, license, or invitation to be there. The city will maintain a list of individuals so warned, the location of the warning, and the timeframe within which such individuals are trespassed.

(d) ~~Nothing contained in this section shall prevent the enforcement actions authorized by the City's Code independent of this section.~~ Penalty. In addition to the trespass penalties provided in paragraph 5-8(c), above, any person found in violation of this section shall be charged with a fine in the amount of one hundred dollars (\$100.00) per incident. A second violation shall be charged with a fine in the amount of two hundred fifty dollars (\$250.00) per incident. Third and subsequent violations shall be charged with a fine in the amount of five hundred dollars (\$500.00) per incident. If any given 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 incident. For purposes of continuing violations of this section, each day that a violation occurs shall constitute a separate violation.

(e) Notwithstanding any other provision to the contrary, it is a public nuisance per sé, and a violation of this section, for a person to take any action(s) that proximately causes a gathering of five (5) or more wild animals upon one (1) parcel of property at a given time, and at least one (1) of the following conditions is present:

(1) A congregation of five (5) or more wildlife or waterfowl have caused or is about to cause property damage;

(2) A congregation of five (5) or more wildlife or waterfowl pose an immediate threat to public safety; or

(3) A congregation of five (5) or more wildlife or waterfowl cause an annoyance within, under, or upon a building or structure (as objected to by the owner of said building or structure).

For purposes of continuing violations of this subsection, each day that the violator is shown to have taken an action or actions to create a public nuisance shall constitute a separate violation.

Sec. 5-9. Impounding, disposition of animals.

The police department is hereby empowered to impound any animal whose actions violate the provisions of this chapter. ~~If an~~ An impounded animal is ~~not~~ must be claimed by its owner within two (2) hours, or such other time as required by the holding facility. ~~the~~ The animal shall be deposited with the ~~county~~ appropriate Broward County animal control officials to be held at such Broward County Animal Care facility as is directed by Broward County. The owner is solely responsible for all expenses associated with transportation, impounding, and disposition of the animal.

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 22ND DAY OF FEBRUARY, 2024.

PASSED SECOND READING THIS _____ DAY OF _____, 2024.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	_____
Welch	<u>Aye</u>	_____
Railey	<u>Aye</u>	_____
Brodie	<u>Aye</u>	_____
Wasserman	<u>Aye</u>	_____

File Path: Legal
Initials: EML
Date: 2.26.24