

ORDINANCE NO. 21-03

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES,
ENTITLED "ANIMALS" BY AMENDING SECTION 10-2,
BY AMENDING SECTION 10-11, TO PROVIDE THAT IT
IS UNLAWFUL TO FEED OR PROVIDE SUSTENANCE TO
POULTRY; 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, many communities in Florida and throughout the United States have been enacting regulations to compatibly integrate the keeping of backyard chickens and other poultry in residential and commercial areas; and

WHEREAS, unattended food used to feed poultry can attract insects, pests and rodents; and

WHEREAS, poultry 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, the City has received complaints from its residents regarding the feeding of poultry by persons and the nuisances it creates; 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 poultry, with certain exceptions, will promote the health, safety and welfare of the citizens and visitors of the City of Key West by preventing the proliferation of poultry and while also preventing the nuisance issues that can accompany the keeping of backyard poultry such as the attraction of insects, pests and rodents, if the area is not properly maintained.

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.

Poultry means chickens, ducks, fowl (including, but not limited to, pigeons), or geese.

*(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 10-11 of the Code of Ordinances is hereby amended as follows*:

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

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

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

(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~~ secured at all times in screened coops or pens which are enclosed at all times including the top and which are maintained in a sanitary condition free from odors and free from fly breeding. Poultry may not be allowed to run at large upon any public properties or off the premises of the owner.

(2) All feed and other items associated with the keeping of poultry that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container i.e., ~~All food used for poultry shall be kept~~

~~in a suitable container~~ with a tightfitting cover, so as to be inaccessible to rodents, pests or other feral animals.

(3) The coop and pen area must be cleaned regularly and kept free of insects, pests and/or rodents. 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 fines and penalties as prescribed in chapter 2, article VI, division 2 of the Code of Ordinances for the City of Key West.

Section 3: 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 4: 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 5: 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.

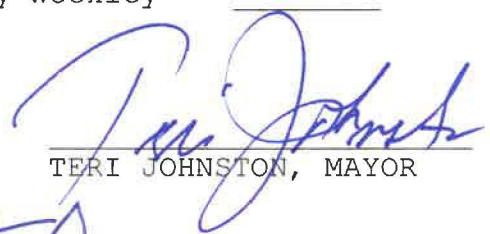
Read and passed on first reading at a regular meeting held this 20th day of January, 2021.

Read and passed on final reading at a regular meeting held this 2nd day of February, 2021.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of February, 2021.

Filed with the Clerk February 3, 2021.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK