

ORDINANCE NO. 2012 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING SECTION 8-202 “FEEDING OF OWNERLESS OR STRAY CATS” OF THE VILLAGE CODE OF ORDINANCES; PROHIBITING THE OUTDOOR FEEDING OF STRAY OR OWNERLESS CATS SO AS TO CAUSE THEM TO CONGREGATE IN NUMBERS ON OR NEAR A GIVEN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) has recently experienced a large number of ownerless or stray cats within the Village; and

WHEREAS, the Village Council finds that the feeding and congregation of ownerless or stray cats within the Village is a public nuisance and public health hazard; and

WHEREAS, as such, the Village Council desires to prohibit the feeding of ownerless or stray cats so as to cause them to congregate in numbers on or near a given property; and

WHEREAS, the Village Council finds that the adoption of this Ordinance is in the health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. Recitals. That the preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Creating Section 8-202 of the Village Code. That the Code of Key Biscayne, Florida, is hereby amended by adding a section to be numbered 8-202, which section reads as follows:

¹ Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

Sec. 8-202. – Feeding of ownerless or stray cats.

The outdoor feeding of stray or ownerless cats, so as to cause them to congregate in numbers on or near a given property, is prohibited as a public nuisance and public health hazard.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. That all ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this ____ day of _____, 2012.

PASSED AND ADOPTED on second reading this ____ day of _____, 2012.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY