

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 10 OF THE CITY OF CORAL GABLES CODE ENTITLED “ANIMALS” BY CREATING SECTION 10-4 ENTITLED “PEAFOWL”, PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, peafowl are a non-native and invasive species in South Florida; and

WHEREAS, peafowl are known to cause property damage in the City and create substantial noise pollution within the City; and

WHEREAS, peafowl can become aggressive with people and other animals within the City, and they are also known to transmit various parasites; and

WHEREAS, peafowl compete with indigenous bird species throughout South Florida; and

WHEREAS, the City Commission finds that the proliferation of peafowl within the City harms the public welfare; and

WHEREAS, pursuant to Section 6.02 of the Miami-Dade County Home Rule Charter, the City is entitled to establish a higher standard of zoning, regulation, and service than the County; and

WHEREAS, the City Commission has the responsibility and authority to regulate peafowl within the boundaries of the City of Coral Gables in order to insure public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That Chapter 10 “Animals”, Article 1 “In General,” of the Code of the City of Coral Gables, Florida, be hereby amended as follows (changes in ~~strikethrough~~/underline format):

Sec. 10-4- Peafowl

The City has authority to take any remedial action deemed appropriate to address the proliferation of peafowl within the City. The City and County are exempt from any conflicting code provisions as they relate to controlling the proliferation of non-native, invasive peafowl located within the City.

SECTION 3. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances immediately upon the signing of the Ordinance; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2017.

APPROVED:

RAÚL VALDÉS-FAULI

MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY