

MEMORANDUM

Agenda Item No. 4(B)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 20, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to feral cats,
feral dogs, and peafowl; creating
section 21-30.4 of the Code;
prohibiting the intentional
feeding of feral cats, feral dogs,
and peafowl on commercial and
public property; providing for
applicability and enforcement;
providing exceptions; amending
section 8CC-10 of the Code;
providing for civil penalties;
providing for delayed
enforcement; directing the
County Mayor to conduct an
educational campaign

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

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MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 20, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
5-20-25

ORDINANCE NO. _____

ORDINANCE RELATING TO FERAL CATS, FERAL DOGS, AND PEAFAWL; CREATING SECTION 21-30.4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE INTENTIONAL FEEDING OF FERAL CATS, FERAL DOGS, AND PEAFAWL ON COMMERCIAL AND PUBLIC PROPERTY; PROVIDING FOR APPLICABILITY AND ENFORCEMENT; PROVIDING EXCEPTIONS; AMENDING SECTION 8CC-10 OF THE CODE; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR DELAYED ENFORCEMENT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT AN EDUCATIONAL CAMPAIGN; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, there is an overpopulation of feral cats and dogs in Miami-Dade County; and

WHEREAS, peafowl, more commonly known as peacocks or peahens, are a non-native, invasive species that has inhabited the streets of Miami-Dade County for years, and their population only continues to grow; and

WHEREAS, feeding feral cats, feral dogs, and peafowl may seem helpful to these animals, but unintended negative consequences can arise; and

WHEREAS, feeding feral cats, feral dogs, and peafowl may cause them to become dependent on humans for food, which may decrease their natural fear of humans; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), feral cats and dogs can carry diseases such as rabies and bacterial infections, which can be transmitted to humans; and

WHEREAS, the presence of feral cats and dogs in areas where domestic pets are also present increases the risk of disease transmission, including zoonotic diseases and parasites, which can endanger the health of companion animals and their owners; and

WHEREAS, large numbers of feral cats and dogs congregating on commercial or public properties that are open to the public may become a nuisance to people by causing property damage, pollution, odor, excessive noise, and the spread of disease; and

WHEREAS, peafowl may also become a nuisance by destroying landscaping, damaging property, and emitting loud noises, all of which negatively impact the quality of life and economy of Miami-Dade County; and

WHEREAS, allowing the feeding of feral cats, feral dogs, and peafowl on commercial properties can adversely affect businesses by deterring customers, creating unsanitary conditions, and causing damage to property, thereby imposing economic burdens on business owners and diminishing the commercial appeal and safety of the surrounding area; and

WHEREAS, in all commercial areas, including but not limited to mixed-use commercial districts, the presence of feral cats, feral dogs, and peafowl attracted by intentional feeding can create unsightly conditions, pose health and safety risks to visitors, and undermine efforts to promote a clean and welcoming environment for residents, tourists, and patrons, thereby negatively impacting local businesses and the County's economic vitality; and

WHEREAS, the accumulation of food waste and animal excrement on public and commercial properties can lead to unsanitary conditions, attract vermin, clog storm drains, and contribute to pollution in the County's stormwater systems, thereby posing environmental and public health risks; and

WHEREAS, the unregulated feeding of feral cats, feral dogs, and peafowl increases burdens on Miami-Dade County's Animal Services Department, code inspectors, and sanitation resources by requiring repeated responses and diverting public funds from other critical health and safety services; and

WHEREAS, feeding feral cats, feral dogs, and peafowl on private commercial property may expose property owners to increased liability for injuries or property damage caused by such animals, particularly when such activity is known or tolerated; and

WHEREAS, prohibiting the feeding of feral cats, feral dogs, and peafowl may decrease their populations over time by limiting food sources, discouraging reproduction, and prompting relocation; and

WHEREAS, this Board recognizes that certain individuals or entities, including animal control officers, wildlife management professionals, and registered nonprofit organizations, may engage in the lawful trapping of animals as part of public health, safety, or humane population control programs, and it is not the intent of this ordinance to prohibit or interfere with such legally authorized trapping activities; and

WHEREAS, therefore, this Board wishes to prohibit the intentional feeding of feral cats, feral dogs, and peafowl on any commercial property or public property in Miami-Dade County; and

WHEREAS, this Board also wishes to direct the County Mayor or County Mayor's designee to conduct an educational campaign to encourage compliance with this ordinance,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. Section 21-30.4 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>**Sec. 21-30.4 Feeding of feral cats, feral dogs, and peafowl on commercial property and public property; definitions; applicability; enforcement; prohibition; exception**

(a) Definitions.

(1.) Commercial property means real property that is open to the public and that is used for business, commercial, or for-profit purposes. It shall be prima facie evidence that a property is commercial if it (i) is located in a business, commercial, mixed-use commercial, office, apartment, hotel, or warehouse zoning district; (ii) contains commercial or business advertising visible from the right-of-way; or (iii) has posted on its premise a business occupational license. “Commercial property” shall include residential property of four or more units that is rented or advertised for rent. “Commercial property” shall not include (i) single family homes or residential property of three or fewer units; (ii) property used for non-profit purposes by religious institutions; or (iii) property used for agricultural purposes except for those portions of the property containing a business open to the public.

(2.) Feral cat means a free-ranging or stray cat that lives in an untamed state, is not captive, and has no owner.

(3.) Feral dog means a free-ranging or stray dog that lives in an untamed state, is not captive, and has no owner.

(4.) Public property means real property that is owned by a government entity and is open to the public.

(b) Applicability. This section shall apply to both the incorporated and unincorporated areas. In the unincorporated area, this section shall be enforced by the County, and in the incorporated areas, this section shall be

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

enforced by the municipalities. It is provided, however, that this shall not be construed to limit the County's authority to enforce this section within a municipality that has not adopted its own regulations as provided in paragraph (c) below.

- (c) *Enforcement.* Each municipality may establish and enforce its own regulations relating to the feeding of feral cats, feral dogs, and peafowl, provided that such regulations are more stringent than the provisions of this section. A municipality that adopts or has previously adopted its own regulations shall file the applicable legislation with the Miami-Dade County Clerk of the Board, but the enforceability of such municipal regulation shall not be contingent on such filing. During the first 90 days following the effective date of this section, rather than issuing citations, code enforcement officers shall issue educational warnings and provide information regarding compliance. After this 90-day period, citations shall be issued for violations, and civil penalties shall apply pursuant to section 8CC-10 or any applicable municipal regulation.
- (d) *Prohibition.* It shall be unlawful for any person to intentionally feed a feral cat, feral dog, or peafowl on any commercial property or public property. A person shall be deemed to have intentionally fed such animals if the person places food directly on the ground or in any area reasonably accessible to such animal, including in open containers, on uncovered surfaces, or in other locations where such animals are likely to obtain the food, with the intent to feed such animals.
- (e) *Exception.* This section shall not apply to an animal control officer, law enforcement officer, code inspector, veterinarian, state or federal official, or other person who is acting pursuant to a lawfully established program or lawfully granted permit, approval, or authorization. This exception includes but is not limited to individuals or entities engaged in lawful trapping activities carried out under the authority of the Miami-Dade County Animal Services Department, the Florida Fish and Wildlife Conservation Commission, or any other legally authorized government program or permit.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of Civil Penalties.

	*	*	*
<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>	
21-30.01(h)(3)	Violation of spray paint or marker sale injunction	\$100.00	
>>21-30.4	<u>Intentional feeding of feral cat, feral dog, or peafowl on commercial or public property</u>	<u>\$100.00</u> <<	
	*	*	*

Section 4. Notwithstanding any other provision of this ordinance, enforcement of section 21-30.4 shall commence 90 days after the effective date of this ordinance to allow for public education and outreach.

Section 5. *Educational campaign required.* This Board hereby directs the County Mayor or County Mayor's designee, through the Animal Services Department, Department of Regulatory and Economic Resources, or other appropriate department, to develop and conduct a public education campaign to inform the public of the provisions of this ordinance. The campaign shall include dissemination of information through online platforms, social media, printed materials, and coordination with municipalities. The campaign shall commence within 30 days of the effective date of this ordinance and shall have a duration of no fewer than 60 days.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of sections 2 and 3 of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida, and that the remaining sections of this ordinance shall be excluded from the Code. 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 other appropriate word.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cristina M. Rabionet

Prime Sponsor: Commissioner Raquel A. Regalado

