

ORDINANCE NO. 25-14

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA, AMENDING CHAPTER 4 "ANIMALS", ARTICLE I
"IN GENERAL", OF THE VILLAGE CODE TO CREATE A
SECTION 4-101 "TAKING AND FEEDING PEAFOWL
PROHIBITED" PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Section 4 of the Charter of Islamorada, Village of Islands ("Village") provides that "[t]he [V]illage shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal services unless expressly prohibited by law"; and

WHEREAS, Chapter 4 of the Village Code (entitled the "Animals") includes an animal control ordinance applicable and enforced within the Village; and

WHEREAS, the Village has established a code of ordinances to properly guide development and protect the health, safety, and welfare of the public; and

WHEREAS, the Village Council finds that there is a continued public need affecting life, health, property or the public peace of persons with regard to establishing procedures for control of animals with the Village municipal limits; and

WHEREAS, the Village Council desires to create Section 4-101 "Taking and Feeding of Peafowl Prohibited" of Chapter 4 "Animals" of the Village Code of Ordinances; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment to the Code. Section 4-101 of the Village Code is hereby created to read as follows:¹

Article I. In General

* * *

Sec. 4-101. Taking and Feeding of Peafowl Prohibited.

- (a) It shall be unlawful for any person to take any peafowl.
- (b) As used in this section, "take" means taking, attempting to take, hunting, molesting, capturing, or killing any peafowl, their nests or eggs, by any means, whether or not such actions result in obtaining possession of peafowl or their nests or eggs.

¹ / Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

(c) Exceptions.

- (1) The prohibitions of this section shall not apply on property zoned for agricultural use and used for a bona fide agricultural purpose.
- (2) Nothing in this section shall prevent a property owner from removing peafowl from his or her own property in a manner that does not physically injure the peafowl or peafowl eggs.

(d) It shall be unlawful for any person to feed any peafowl, either directly or by making food freely available for the purpose of consumption by peafowl. Notwithstanding the foregoing, a person may maintain vegetation they know, or have reason to know, peafowl eat so long as the vegetation's primary purpose is not to attract peafowl to their property.

(e) As used in this section, "food" means anything favorable to an omnivore's diet, including but not limited to insects, seeds, grains, flower, fruits and berries.

Section 3. Repeal of Conflicting Provisions. The provisions of the Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. 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 5. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code, that the sections of the Ordinance may be renumbered or relettered to

accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word where applicable.

Section 6. Effective Date. This Ordinance be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Don Horton, who moved its adoption on first reading. This motion was seconded by Anna Richards, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	<u>Yes</u>
Vice Mayor Don Horton	<u>Yes</u>
Councilwoman Deb Gillis	<u>Yes</u>
Councilman Steve Friedman	<u>Yes</u>
Councilwoman Anna Richards	<u>Yes</u>

PASSED on first reading this 9th day of September, 2025.

The foregoing Ordinance was offered by Deb Gillis, who moved its adoption on second reading. This motion was seconded by Don Horton, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	<u>Yes</u>
Vice Mayor Don Horton	<u>Yes</u>
Councilwoman Deb Gillis	<u>Yes</u>
Councilman Steve Friedman	<u>Yes</u>
Councilwoman Anna Richards	<u>Yes</u>

PASSED AND ADOPTED on the second reading this 7th day of October, 2025.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY


JOHN J. QUICK, VILLAGE ATTORNEY

