

City of Dade City

AGENDA MEMO

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney/Community Development Director
Subject: Introduction of Ordinance/Repeal of Ordinances Regulating Exotic and Captive Wild Animals
Date: January 14, 2009

It is requested that the City Commission consider the following information and recommendation(s):

BACKGROUND:

Sections 18-2; 18-3 and 18-5 of the Dade City Code of Ordinances regulate the keeping of exotic and captive wild animals within City limits.

ISSUES:

Chapter 372, Florida Statutes, and Article IV, Section 9 of the Florida Constitution specifically grant to the Florida Wildlife Commission the exclusive right to regulate the possession of exotic and captive wild animals. Since the City's existing ordinances regulate the possession of exotic and captive wild animals, they are in conflict with the state statute and must be repealed.

ALTERNATIVES:

1. Approve the adoption of the attached ordinance and authorize the mayor to execute same; or
2. Do not adopt the attached ordinance; or
3. Direct staff to take some alternative action.

RECOMMENDATION:

Staff recommends Alternative No. 1 above.

FUNDING:

No funding is required for this item.

BY THE CITY COMMISSION

ORDINANCE NO.: 2008-0992

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, REPEALING SECTIONS 18-2; 18-3; AND 18-5 OF THE DADE CITY CODE OF ORDINANCES REGULATING THE POSSESSION OF EXOTIC AND CAPTIVE WILD ANIMALS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 372, Florida Statutes, and Article IV, Section 9 of the Florida Constitution, specifically grant to the Florida Wildlife Commission the exclusive right to regulate the possession of exotic and captive wild animals; and

WHEREAS, since the City's existing ordinances regulate the possession of exotic and captive wild animals, they are in conflict with the state statute and must be repealed.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida, as follows:

SECTION 1. Ordinance Repealed.

Sections 18-2; 18-3 and 18-5 of the Dade City Code of Ordinances are hereby repealed in their entirety.

SECTION 2. Severability.

In the event that any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 3. Effective Date.

This ordinance shall take effect as set forth in the City Charter and Chapter 166, Florida Statutes.

The above Ordinance was approved upon first reading this 13th day of January, 2009, and approved and adopted following public hearing this 27th day of January, 2009.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

Scott Black, Mayor

APPROVED AS TO LEGAL FORM AND CONTENT

Karla S. Owens, City Attorney