

ORDINANCE NO. 2014- 430

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTER 100 "ANIMALS" OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH TO CREATE A NEW SECTION 100-3 ENTITLED "RETAIL SALE OF DOGS AND CATS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, existing state and federal laws regulate dog and cat breeders as well as pet stores that sell dogs and cats including the Animal Welfare Act ("AWA") (7 U.S.C. Section 2131 *et seq.*); and

WHEREAS, the Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats and that these breeders maintain minimum health, safety and welfare standards for animals in their care with enforcement of these requirements by the United States Department of Agriculture ("USDA"); and

WHEREAS, according to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

WHEREAS, according to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public, with many of these animals being sold in pet stores; and

WHEREAS, according to the USDA inspection reports, some additional documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, while "puppy mill" puppies and "kitten factory" kittens are being sold in pet stores, many dogs and cats are euthanized by Miami-Dade County's Animal Control Services; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; many of these stores collaborate with local animal shelter and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, while the City Commission recognizes that not all dogs and cats retained in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs and cats to pet stores as a “puppy mill” or “kitten factory,” it is the City Commission’s belief that regulations are needed to regulate the sale of dogs and cats in pet stores; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals. The forgoing “WHEREAS” clauses 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. Amendment. Chapter 100, “Animals” of the Code of Ordinances of the City of Sunny Isles Beach is hereby amended to include a new Article II to read as follows:

Article II Retail Sale of Dogs and Cats

§ 100-3.

(a) Definitions. For purposes of this Section, the following definitions shall apply:

- (1) “Animal shelter” means a public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
- (2) “Cat” means an animal of the Felidae family of the order Carnivora.
- (3) “Dog” means an animal of the Canidae family of the order of Carnivora.
- (4) “Pet store” means a pet shop, dog beauty parlor, dog or pet hospital or other retail establishment open to the public and engaging in the business of selling pet supplies and/or services and/or offering for sale and/or selling animals at retail.
- (5) “Pet store operator” means a person who owns or operates a pet store, or both.
- (6) “Certificate of Source” means a document declaring the source of origin of the dog or cat sold or transferred, or offered for sale or transfer, by the pet store. The certificate shall include the name and address of the original source of the dog or cat and license information if the original source breeder is licensed by the United States Department of Agriculture and shall be signed by both the pet store certifying the accuracy of the certificate, and by the purchaser or transferee of the companion animal acknowledging receipt of the certificate.
- (7) “Retail Sale” includes the display, offer for adoption, barter, auction, give away, or other transfer of any cat or dog.

(b) Sale or transfer of dog and/or cats. Except as provided below, no pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Sunny Isles Beach on or after the effective date of this Section.

(c) Exemptions. This Section shall not apply to:

(1) A person or establishment that sells, delivers offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;

(2) A publicly operated animal control facility or animal shelter;

(3) A private, charitable, nonprofit humane society or animal rescue organization; or

(4) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

(d) Certificate of Source

(1) A pet store shall post and maintain in a conspicuous place, on or within the three feet of each animals' kennel, cage, or enclosure, a certificate of source of each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred.

(e) Adoption of Shelter and Rescue Animals. Nothing in this Section shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

Section 3. 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, clause, 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.

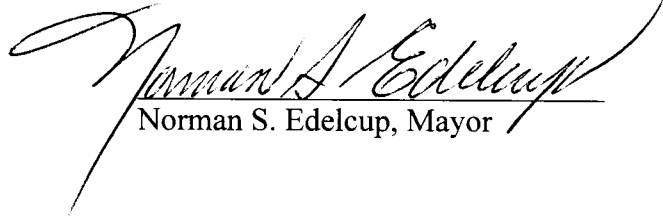
Section 4. Inclusion In The Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Sunny Isles Beach Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 5. Repealer. All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

PASSED and **ADOPTED** on first reading the 17th day of April, 2014.


PASSED and **ADOPTED** on second reading the 15th day of MAY, 2014.


Norman S. Edelcup, Mayor

ATTEST:


Jane A. Hines, MMC, City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**


Hans Otthot, City Attorney

Moved by: Commissioner LEVIN

Second by: Vice Mayor AELION

Vote: 4-0-1

Mayor Edelcup	<u> </u> (✓) yes	<u> </u> () no
Vice Mayor Aelion	<u> </u> (✓) yes	<u> </u> () no
Commissioner Gatto	<u> </u> (✓) yes	<u> </u> () no
Commissioner Levin	<u> </u> (✓) yes	<u> </u> () no
Commissioner Scholl	<u> </u> <u>Absent</u> () yes	<u> </u> () no

ORDINANCE NO. 2011-05 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES BY CREATING A NEW SECTION 6-8, ENTITLED "RETAIL SALES OF DOGS AND CATS," AND RENUMBERING AND AMENDING SECTION 6-8, "PENALTIES" AS A NEW SECTION 6-9; AMENDING CHAPTER 23, ARTICLE XI, SECTION 23.11.03.01.H., ARTICLE XII, SECTION 23.12.02.01.I. AND ARTICLE XIII, SECTION 23.13.03.01.J. TO INCLUDE A REFERENCE TO THE NEW SECTION 6-8; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Chapter 6 Code of Ordinances is amended by adding a new Section 6-8 and renumbering and amending the existing Section 6-8 to read as follows:

Chapter 6 ANIMALS AND FOWL

* * *

Sec. 6-8. Penalties: Retail sales of dogs and cats.

A violation of any provision of this chapter shall be a civil infraction, the penalty for which shall be as follows:

- (1) If the person alleged to have committed the infraction does not contest the citation, the person shall pay to the clerk of the county court a fine of fifty dollars (450.00) plus court costs in the amount of eight dollars (\$8.00) for a total of fifty eight dollars (\$58.00).
- (2) If the person contests the citation and requests a hearing in the county court, and if a violation is found, the court shall order the amount of the fine, not to exceed five hundred dollars (\$500.00).

a. Definitions

For the purpose of this chapter:

"Pet store" means any retail establishment open to the public that sells or transfers, or offers for sale or transfer, dogs and/or cats, including puppies and kittens, regardless of the age of the dog or cat.

"Pet store operator" means a person who owns or operates a pet store, or both.

"Animal shelter" means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.

"Cat" means an animal of the Felidae family of the order Carnivora.

"Dog" means an animal of the Canidae family of the Carnivora.

"Animal rescue organization" means a duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals and which does not breed animals.

"Certificate of source" means a document declaring the source of origin of the dog or cat sold or transferred, or offered for sale or transfer, by the pet store. The certificate shall include the name and address of the original source of the dog or cat and license information if the original source breeder is licensed by the United States Department of Agriculture and shall be signed by both the pet store certifying the accuracy of the certificate, and by the purchase or transferee of the companion animal acknowledging receipt of the certificate.

b. Sale or transfer of dog and/or cats

No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the City of Lake Worth on or after the effective date of this Chapter.

c. Exemptions

This Chapter does to apply to:

1. a person or establishment that sells, delivers, offers for sale, trades, barter, leases, rents, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. a publicly operated animal control facility or animal shelter;
3. a private, charitable, nonprofit humane society or animal rescue organization;
- or
4. a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

d. Certificate of Source

1. A pet store shall post and maintain in a conspicuous place, on or within three feet of each animals' kennel, cage or enclosure, a certificate of source of each dog or cat offered for sale or transfer, and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred.

2. Any law enforcement officer or employee of a municipal or county animal shelter may, at any time, request to review copies of such certificates and, upon such request, the pet store must present such certificates at that time and without delay.

e. Adoption of Shelter and Rescue Animals

Nothing in this Section shall prevent a pet store or its owner, operator, or employees, from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency that is registered with the county, and maintained at the pet store for the purpose of adopting those animals to the public.

f. Violations – Enforcement

- a. Any person who commits an act in violation of this Section is may be prosecuted for such violation pursuant to Section 1-6 of this Code of Ordinances. Alternatively, a violation of this Section may be charged as a civil infraction pursuant to Section 6-9 of this Code of Ordinances, in which case, upon conviction, the person shall be punishable as provided Section 6-9 of this Chapter.
- b. The city may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this chapter.
- c. A pet store found to have falsified a certificate of source shall pay \$2,500.00 in damages to each recipient of such falsified certificate.

Sec. 6-9. Penalties.

A violation of any provision of this chapter shall be a civil infraction, the penalty for which shall be as follows:

- (1) If the person alleged to have committed the infraction does not contest the citation, the person shall pay to the clerk of the county court a fine of fifty-a hundred dollars (~~\$50.00~~ 100.00) plus court costs ~~in the amount of eight dollars (\$8.00) for a total of fifty-eight dollars (\$58.00).~~
- (2) If the person contests the citation and requests a hearing in the county court, and if a violation is found, the court shall order the amount of the fine, not to exceed five hundred dollars (\$500.00).

Section 2. Chapter 23, Article XI, Section 23.11.03.01.H. is hereby amended to read as follows:

Chapter 23. ZONING

* * *

ARTICLE XI. MIC-1 and MIC-2 MODERATE INTENSITY
COMMERCIAL DISTRICTS

* * *

23.11.03.01. *Principal nonresidential uses permitted by right in MIC districts.*

* * *

23.11.03.01. H. Comparison commercial uses.

...

Pet stores (See Section 6-8 of the code of ordinances for restrictions relating the retail sale of dogs and cats). ...

Section 3. Chapter 23, Article XII, Section 23.12.02.01.I. is hereby amended to read as follows:

Chapter 23. ZONING

* * *

ARTICLE XII. HIC-1 and HIC-2 HIGH INTENSITY
COMMERCIAL DISTRICTS

* * *

23.12.02.01. *Principal uses permitted by right in HIC districts*

* * *

23.11.03.01. I. Comparison commercial uses.

...

Pet stores (See Section 6-8 of the code of ordinances for restrictions relating the retail sale of dogs and cats). ...

Section 4. Chapter 23, Article XIII, Section 23.13.03.01.J. is hereby amended to read as follows:

Chapter 23. ZONING

* * *

ARTICLE XIII. CAC CENTRAL AREA COMMERCIAL DISTRICT

* * *

23.13.03.01. *Principal nonresidential uses permitted by right in central area commercial district*

* * *

23.11.03.01.J. Comparison commercial uses.

...
Pet stores (See Section 6-8 of the code of ordinances for restrictions relating the retail sale of dogs and cats). ...

Section 5. Sections 1 through 4 of this Ordinance shall be codified.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed. .

Section 8. This Ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner Golden, seconded by Vice Mayor Mulvehill, and upon being put to a vote, the vote was as follows:

Mayor René A. Varela	AYE
Vice Mayor Suzanne Mulvehill	AYE
Commissioner Scott Maxwell	AYE
Commissioner Christopher McVoy	AYE
Commissioner Jo-Ann Golden	AYE

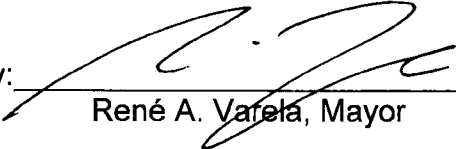
The Mayor thereupon declared this Ordinance duly passed on first reading on the 1st day of February 2011.

The passage of this Ordinance on second reading was moved by Commissioner Maxwell, seconded by Vice Mayor Mulvehill, and upon being put to a vote, the vote was as follows:

Mayor René A. Varela	AYE
Vice Mayor Suzanne Mulvehill	AYE
Commissioner Scott Maxwell	AYE
Commissioner Christopher McVoy	AYE
Commissioner Jo-Ann Golden	AYE

The Mayor thereupon declared this Ordinance duly passed and enacted on the 15th day of February 2011.

LAKE WORTH CITY COMMISSION

By: 
René A. Varela, Mayor

ATTEST:


Pamela J. Lopez, City Clerk



NEIGHBORS CALENDAR

• CALENDAR, FROM 33NE

MGLFE is committed to enrich, entertain and educate the public, and to encourage a sense of community.

5 p.m. May 4, Miami Beach, 12th Street and Ocean Drive, Miami Beach, Valets, 305-751-6305.

Miami Pet Expo 2014: Pets welcome at indoor center. Features special appearance by Sherry Pie and his pit bull, Hercules, star of "Pit Boss" on Animal Planet plus 85 exhibitors, low-cost vaccinations, giveaways, discounts on pet products plus mega-adoption event with more than 300 pets available.

10 a.m. May 10, Miami Airport Convention Center, 71 NW 72nd Ave., free admission, \$5 parking, 800-977-5609.

Sunset Harbour Farmer's Market: Features organic produce from Paradise Farms, Captain Greg's Smoked Fish, Healing Blends essential oils and body care, Laurie's Pantry Gourmet Granola.

11 a.m. May 7, Sunset Harbour Shops, 1900 Bay Rd., Miami Beach, Free.

FILM
Bavarian State Opera: Tosca: 11 p.m. May 4, Cinema Paradiso, Hollywood, 208 Hollywood Blvd., Hollywood.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, Cinebistro at Dolphin Mall, 1471 NW 12th St., Wynwood/Egewater.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, Regal South Beach Stadium 18, 170 Lincoln Rd., Miami Beach, 305-673-6766.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, Movies in The Falls 12, 9000 SW 136th St., Kendall, 305-255-5200.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, AMC Sunset South Miami, 888-262-4386.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, AMC Aventura 24, 1950 Biscayne Blvd., 305-466-9880.

Focus on the Family Presents: Irreplaceable: Experts from around the world discuss what defines a family. Host: Tim Siskrich.

7:30 p.m. May 6, Cobb Miami 11 p.m. May 4, Cinema Paradiso, Hollywood, 208 Hollywood Blvd., Hollywood.

Lakes 17, 671 Main St., Miami Lakes, 305-558-3800.

Holly Shorts Part 3: 8:30 p.m. May 10, Blue Sterlite Mini Urban Drive-in, 70 NW 29th St., Wynwood/Egewater.

Metropolitan Opera: La Cenerentola: 12:55 p.m. May 10, AMC Aventura 24, 1950 Biscayne Blvd., 305-466-9880.

Metropolitan Opera: La Cenerentola: 12:55 p.m. May 10, AMC Sunset Place 24, 570 Sunset Dr. Suite 300, South Miami, 888-262-4386.

Miami - Decoding Annie Parker: Decoding Annie Parker is coming to theaters across the country on May 2nd.

You can buy tickets now for Friday, May 2nd, Saturday, May 3rd, and Sunday, May 4th.

2 p.m. May 4, AMC Aventura 24, 1950 Biscayne Blvd., \$2.5, 305-466-9880.

Promos & Screenings: 7:30 p.m. May 7, Cobb Dolphin 19 Cinemas, 11471 NW 12th St., 305-591-0785.

Saturn in Opposition: 5 p.m. May 4, MDC, Koubek Theater, 2705 SW Third St., West Flagler.

The Metropolitan Opera: La Cenerentola: 12:55 p.m. May 10, Regal South Beach Stadium 18, 170 Lincoln Rd., Miami Beach, 305-673-6766.

• **TURN TO CALENDAR, 42NE**

CITY OF SUNNY ISLES BEACH NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN that the City Commission of the City of Sunny Isles Beach, Florida, will hold a public hearing in the Sunny Isles Beach Government Center, David P. Samsom Commission Chambers, 18070 Collins Avenue, Sunny Isles Beach, Florida, on **Thursday, May 15, 2014, at 6:30 p.m.**, to consider on final reading the following proposed Ordinances:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING ORDINANCE NO. 2013-412; AMENDING THE CITY'S BUDGET NO. BA1314-04 FOR THE 2013-2014 FISCAL YEAR - GENERAL FUND, STREET CONSTRUCTION/MAINTENANCE FUND, CAPITAL PROJECTS FUND, AND 2010 CAPITAL PROJECTS FUND; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTER 265, ARTICLE IX, "SIGN REGULATIONS" TO CLARIFY THAT ELECTRONIC SIGNS ARE PERMITTED IN GOVERNMENT FACILITIES LOCATED IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, CREATING CHAPTER 99 OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH ENTITLED "PUBLIC HEALTH AND SAFETY", INCLUDING ARTICLE I, ENTITLED "E-CIGARETTES", TO PROHIBIT THE SALE, GIFTING OR FURNISHING OF E-CIGARETTES AND LIQUID NICOTINE TO PERSONS UNDER THE AGE OF EIGHTEEN (18); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, CREATING A NEW ARTICLE IN CHAPTER 172 ENTITLED "CHARITABLE DONATIONS"; REQUIRING APPROVAL OF THE CITY COMMISSION FOR FINANCIAL DONATIONS TO CHARITABLE ORGANIZATIONS AND FOR DONATIONS OF IN-KIND SERVICES AND USE OF FACILITIES BY CHARITABLE ORGANIZATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTER 100 "ANIMALS" OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH TO CREATE A NEW SECTION 100-3 ENTITLED "RETAIL SALE OF DOGS AND CATS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Inquiries regarding these items may be directed to the City Clerk at 305-792-1703. A copy of these documents are available for public inspection during normal business hours in City Hall.

Jane A. Hines, MMC, City Clerk

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Commission c/o the City Clerk, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, Florida, 33160. Any person wishing to address the City Commission at a public hearing is asked to register with the City Clerk by completing a public speakers' card prior to the item being heard. The hearing on these matters may be continued at this meeting and under such circumstances, additional legal notice would not be provided. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the City Manager at 305-947-0606, no later than 48 hours prior to the proceedings.



CITY OF SUNNY ISLES BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission, also sitting as the Local Planning Agency, of the City of Sunny Isles Beach, Florida, will hold a public hearing in the Sunny Isles Beach Government Center, David P. Samsom Commission Chambers, 18070 Collins Avenue, Sunny Isles Beach, Florida, on **Thursday, May 15, 2014, at 6:30 p.m.**, to consider on final reading the following proposed Ordinance:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTION 265-23 OF THE CITY CODE TO CLARIFY THE PROCESS TO EXTEND THE USEFUL LIFE OF TRANSFER OF DEVELOPMENT RIGHTS ("TDRS"); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Inquiries regarding this item may be directed to the City Clerk at 305-792-1703. A copy of this document is available for public inspection during normal business hours in City Hall.

Jane A. Hines, MMC,
City Clerk

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City of Sunny Isles Beach

18070 Collins Avenue
Sunny Isles Beach, Florida 33160

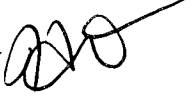
(305) 947-0606 City Hall
(305) 949-3113 Fax
(305) 947-2150 Building Department
(305) 947-5107 Fax

City Commission
Norman S. Edelcup, *Mayor*
Isaac Aelion, *Vice Mayor*
Jeanette Gatto, *Commissioner*
Jennifer Levin, *Commissioner*
George "Bud" Scholl, *Commissioner*

Christopher J. Russo, *City Manager*
Hans Ottinot, *City Attorney*
Jane A. Hines, MMC, *City Clerk*

MEMORANDUM

TO: **Honorable Mayor and City Commission**

FROM: Hans Ottinot, City Attorney 

DATE: April 17, 2014

RE: **Ordinance amending Chapter 100 "Animals" of the City Code to regulate the retail sale of dogs and cats**

RECOMMENDATION

It is recommended that the City of Sunny Isles Beach adopt the proposed Ordinance amending Chapter 100 "Animals" regulating the retail sale of dogs and cats.

REASONS

While the City Commission recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs and cats to pet stores as a "puppy mill" or "kitten factory," the City Commission believes that it is necessary to enact this Ordinance to regulate the sale of dogs and cats to prevent puppy mills and kitten factories.

This Ordinance is modeled after the City of Lake Worth's Ordinance regarding the retail sale of dogs and cats.

This Ordinance was requested by Commissioner Jennifer Levin.