

C7 AC A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO ENFORCE SECTION 82-1 OF THE CITY CODE TO PREVENT THE UNLAWFUL EXPLOITATION OF ANIMALS, INCLUDING BUT NOT LIMITED TO EXOTIC PETS SUCH AS BIRDS AND SNAKES, FOR COMMERCIAL PURPOSES ON PUBLIC PROPERTY.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO ENFORCE SECTION 82-1 OF THE CITY CODE TO PREVENT THE UNLAWFUL EXPLOITATION OF ANIMALS, INCLUDING BUT NOT LIMITED TO EXOTIC PETS SUCH AS BIRDS AND SNAKES, FOR COMMERCIAL PURPOSES ON PUBLIC PROPERTY.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Resolution was prepared at the request of the sponsor, Commissioner Joseph Magazine.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?**

If so, specify the name of lobbyist(s) and principal(s):

**Department**

City Attorney

**Sponsor(s)**

Commissioner Joseph Magazine

**Co-sponsor(s)**

Commissioner David Suarez

**Condensed Title**

Direct Admin. to Enforce Section 82-1, Prevent Exploitation of Animals. (Magazine/Suarez) CA

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO ENFORCE SECTION 82-1 OF THE CITY CODE TO PREVENT THE EXPLOITATION OF ANIMALS, INCLUDING BUT NOT LIMITED TO EXOTIC PETS SUCH AS BIRDS AND SNAKES, FOR COMMERCIAL PURPOSES ON PUBLIC PROPERTY.**

**WHEREAS**, Section 82-1(a) of the City Code provides that it is unlawful for any person, while in or on any public street, avenue or alley, or any park, beach, structure, building, or other property or place owned, maintained, or operated by the City for public use, to sell, rent, or offer for sale or rent to the public any merchandise, product, goods, or service of any nature whatsoever, other than newspapers of general circulation duly entered in the United States Postal Service; and

**WHEREAS**, the City has become aware of instances where individuals are unlawfully offering exotic pets, such as birds and snakes, for photo opportunities and other prohibited commercial activities on public property; and

**WHEREAS**, such activities constitute a violation of Section 82-1(a) of the City Code and contribute to the exploitation of animals, pose potential risks to public safety, and disrupt the intended use of public spaces; and

**WHEREAS**, the City Commission is committed to the humane treatment of animals and the proper enforcement of City regulations to ensure the protection of both animals and the public; and

**WHEREAS**, the City Commission desires to direct the City Administration to take all necessary and appropriate actions to enforce Section 82-1 of the City Code to prevent the unlawful offering of animals, including but not limited to exotic pets such as birds and snakes, for commercial purposes on public property.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the City Administration to take all necessary and appropriate actions to enforce Section 82-1 of the City Code to prevent the exploitation of animals, including but not limited to exotic pets such as birds and snakes, for commercial purposes on public property.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Steven Meiner, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(sponsored by Commissioner Joseph Magazine)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/22/2024  
\_\_\_\_\_  
Date