

LEGISLATIVE #

140159A

ORDINANCE NO. 140159

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by repealing Section 5-4 *Bird and game sanctuaries*; providing directions to the codifier; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Article IV, Section 9 of the Florida Constitution establishes the Florida Fish and Wildlife Conservation Commission to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life; and

WHEREAS, Rule 68A-1.002, F.A.C., establishes that all wild animal life within the state is subject to the regulation of the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, Rule 68A-19.002, F.A.C., provides a procedure by which a local government may request the Florida Fish and Wildlife Conservation Commission to establish bird sanctuaries for the protection of all birds and other wildlife; and

WHEREAS, on October 23, 1995, the City Commission adopted Ordinance No. 0-95-18, which created Section 5-4 of the City of Gainesville Code of Ordinances and established the entire city as a bird and game sanctuary; and

WHEREAS, Section 5-4 of the City of Gainesville Code of Ordinances was not established in accordance with Rule 68A-19.002, F.A.C., and therefore the Florida Fish and Wildlife Conservation Commission does not recognize the City of Gainesville as a bird sanctuary; and

WHEREAS, notice was given as required by law that the text of the City of Gainesville Code of Ordinances be amended; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public

1 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
2 Gainesville; and

3 WHEREAS, public hearings were held pursuant to the notice described above at which
4 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

5 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
6 CITY OF GAINESVILLE, FLORIDA:

7 Section 1. Section 5-4 of the Code of Ordinances is repealed in its entirety.

8 ~~Sec. 5-4. Bird and game sanctuaries.~~

9 ~~(a) Except as provided in subsection (b) of this section, the area within the corporate limits of~~
10 ~~the city is hereby established as a bird and game sanctuary wherein it shall be unlawful for~~
11 ~~any person to hunt, kill or take any animal, except as provided below.~~

12 ~~(b) Non-commercial hunting, killing or taking of animals for food or sport shall be allowed~~
13 ~~within the bird and game sanctuary under the following conditions:~~

14 ~~(1) The hunting may occur only on land zoned AGR (agriculture), as defined in section 30-~~
15 ~~72 of this Code.~~

16 ~~(2) No hunting shall occur within 2,000 feet of land not zoned AGR (agriculture). Roads or~~
17 ~~other public rights of way surrounded on all sides by land zoned AGR shall be~~
18 ~~considered as land zoned AGR for the purposes of this section.~~

19 ~~(c) This restriction shall not apply to uses allowed by right or special use permit under the Land~~
20 ~~Development Code, provided all conditions of the code are met.~~

21 ~~(d) Animals posing a danger to the health or safety of humans or other animals may be hunted~~
22 ~~anywhere within the city limits, by an authorized city, county or state employee or officer.~~

23

24 Section 2. It is the intention of the City Commission that the provisions of Section 1 of
25 this ordinance is repealed and that the sections and paragraphs of the Code of Ordinances may be
26 renumbered or relettered in order to accomplish such intentions.

27 Section 3. All ordinances or parts of ordinances in conflict herewith are to the extent of
28 such conflict hereby repealed.

29 Section 4. This ordinance shall become effective immediately upon adoption.

1

2 PASSED AND ADOPTED this _____ day of _____, 2014.

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EDWARD B. BRADDY
MAYOR

8 Attest:

Approved as to form and legality:

9

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11

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

14

15 This ordinance passed on first reading this ____ day of _____, 2014.

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17 This ordinance passed on second reading this _____ day of _____, 2014.