



ORDINANCE # 2022-09

ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI AMENDING CHAPTER 4 "ANIMALS AND FOWL," ARTICLE I, SECTION 4-8 "EXCEPTIONS" TO ALLOW FOR CITIZENS, AT THEIR OWN EXPENSE, TO HUMANELY TRAP CATS FOR THE PURPOSE OF IMPLEMENTING HUMANE POPULATION CONTROL OF COMMUNITY CATS THROUGH TRAP-NEUTER-VACCINATE & RETURN SERVICES; PROVIDING FOR CONFLICT CORRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, there has been a proliferation of felines reproducing and causing an overpopulation; and

WHEREAS, overpopulation of cats could present health concerns for residents, and

WHEREAS, the City does not currently allow the trapping of animals for any purpose; and

WHEREAS, the Humane Society of the United States urges that cats undergo spay or neutering procedure, and

WHEREAS, studies show increased longevity of cats that have undergone spay and neuter procedures, and

WHEREAS, it is the desire of the Commission to encourage the community to spay and neuter community cats.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Commission of the City of West Miami as follows:

Section 1. The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

Section 2. Article I, Section 4-8 of Chapter 4 "Animals and Fowl" shall be amended to read as follows:

Section 4-8, Exceptions.

Nothing in section 4-3 shall prevent residents of the City of West Miami, at their own expense, from setting traps for the purpose of humanely providing transportation to a licensed professional (veterinarian) for spaying or neutering treatment to said community cats.

Nothing in sections 4-6 and 4-7 shall be applicable to the authorized killing and disposal of animals and fowls by duly licensed veterinarians authorized to practice in the State of Florida or by any governmental agency authorized by law contrary to sections 4-6 and 4-7.

Section 3. All sections or part of sections of the City Code or ordinances or parts of ordinances and all resolutions or part of resolutions in conflict with this ordinance are repealed to the extent of those conflicts.

Section 4. Scrivener's Error. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

Section 5. This ordinance shall become effective upon its adoption and approval by the Mayor and City Commission, as provided by the Charter of the City of West Miami.

Passed and adopted this 2nd day of November, 2022.

Approved:



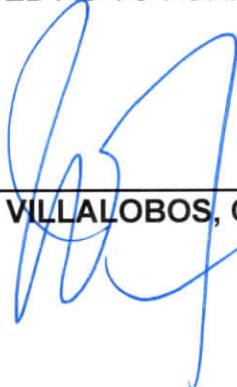
ERIC DIAZ-PADRON, MAYOR

ATTEST:



ANNERY GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:



JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

This Ordinance was sponsored by Mayor Diaz-Padron. This Ordinance was offered by Commissioner Chavez, who moved its adoption. The motion was seconded by Vice-Mayor Blanes. The vote was as follows:

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| MAYOR ERIC DIAZ-PADRON | <u>Y</u> |
| VICE-MAYOR JUAN BLANES | <u>Y</u> |
| COMMISSIONER CANDIDA BLANCA | <u>Y</u> |
| COMMISSIONER IVAN CHAVEZ, JR. | <u>Y</u> |
| COMMISSIONER LUCIANO L. SUAREZ | <u>Y</u> |

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| Date of 1st Reading: <u>September 21st, 2022</u> |
| Date of Publication: <u>October 20th, 2022</u> |
| Date of 2nd Reading: <u>November 2nd, 2022</u> |