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ORDINANCE 17-07

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA. DESIGNATING THE CITY OF BELLE ISLE AS A BIRD SANCTUARY: SPECIFYING UNLAWFUL ACTS: AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE MUNICIPAL CODE PROVIDING FOR PRESERVATION OF WETLANDS AND THE CONWAY CHAIN OF LAKES WITHIN THE CITY; ESTABLISHING RESPONSIBILITIES OF CERTAIN CITY DEPARTMENTS; PROHIBITIVE ACTIVITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Belle Isle is an environmentally concerned city, sensitive and dedicated to the preservation of birds and wildlife; and

WHEREAS, habitat destruction is the greatest threat to birds and wildlife, and the City of Belle Isle is dedicated and committed to the protection of such habitat wherever reasonably possible; and WHEREAS, the Orange County Audubon Society recognizes and accredits the City of Belle Isle's efforts to preserve and enhance bird and wildlife sanctuary programs, and the Society is prepared to assist in making the program successful; and

WHEREAS, the Cornerstone Charter Academy School believes that the key to understanding environmental concerns is education. Cornerstone Charter Academy commits to providing learning experiences for students to enhance their awareness of the environment and the role played by birds and wildlife in that environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

- SECTION 1. That all the land and airway area embraced within the city limits of Belle Isle, Florida is hereby declared to be and shall hereafter be designated as a "Bird Sanctuary".
- SECTION 2. That all City owned property shall be managed in such a manner as to promote both human enjoyment and the development of bird and wildlife habitat.

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SECTION 4.

SECTION 3.

That wherever possible the City will leave the environment in its natural state. The City, through its Public Works Department, will attempt to mitigate the effect of development of roads, parking facilities, utilities and other necessary improvements through seasonal plantings and feeding stations. Enhancement programs, such as bird houses for birds and private preserves will be encouraged. The City will also provide relief from drought stress. The City Public Works Department and private property owners will post the area boundary with signs bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD SANCTUARY, No Hunting" established by Rule 68A-19.002, F.A.C., which shall be placed at intervals of no more than 500 feet, be easily visible from any point of ingress or egress and provide other necessary notice of such area to the public. In addition, the City may protect "wetlands" as they exist in the City. Wetlands which are prime habitat of birds and other wildlife, may not be drained, filled, or destroyed in such a manner as to render them unacceptable to birds and wildlife as temporary or permanent habitat. The Belle Isle Police Department, including the Marine Patrol, shall be responsible for enforcement of regulations of the Florida Fish and Wildlife Conservation Commission and this ordinance.

That it shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests within the City. No person shall take any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary. Provided; the sanctuary established by this section shall not include protection of (Columbia livia) feral pigeon populations or other invasive and/or non-native species such as Starlings, House Wrens, which are not protected by state or federal law and which may threaten native bird species. In the event that other invasive and/or non-native species are found congregating in numbers in a particular locality within the city limits, as to

1		constitute a public nuisance or menace to the public health or to private or public property,
2		then in that event or any of them, the congregated birds or wild fowl may be destroyed as is
3		deemed advisable by and under the supervision and control of the Police Department of the
4		city.
5	SECTION 5.	That should any word, sentence, clause, paragraph or provision of this ordinance be held to be
6		invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force
7		and effect.
8	SECTION 6.	That any person, firm, or corporation violating any of the provisions or terms of this ordinance
9		shall be deemed to be guilty of a Misdemeanor of the First Degree and upon conviction in the
10		District Court shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars for
11		each offense.
12	SECTION 7.	That the present ordinances of the City of Belle Isle are inadequate to properly protect birds,
13		wildlife and their habitat within the City of Belle Isle, creates an urgency and an emergency for
14		the preservation of the public health, safely, and welfare and requires that this ordinance shall
15		take effect immediately from and after its passage and publication of said ordinance, as the law
16		in such cases provides.
17	SECTION 8:	Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is
18		for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
19		portion shall be deemed a separate, distinct, and independent provision and such holding shall
20		not affect the validity of the remaining portion hereto.
21	SECTION 9:	Effective Date: This Ordinance shall take effect upon its passage and as provided by law.
22		First Reading held this 5th day of September, 2017
23		Second Reading held this 19th day of September, 2017
24		Advertised for Second Reading on the 9 th day of September, 2017.
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1		YES	NO	ABSENT			
2	Ed Gold						
3	Anthony Carugno						
4	Jeremy Weinsier						
5	Bobby Lance						
6	Harvey Readey						
7	Lenny Mosse						
8	Sue Nielsen						
9							
10							
11			LYDIA PISANO, MA	YOR			
12	ATTEST:						
13	Yolanda Quiceno, CMC-City Clerk						
14			Approved as to for	m and legality City Attorney			
15	STATE OF FLORIDA						
16	COUNTY OF ORANGE						
17	I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document						
18	ORDINANCE 17-07 was duly and legally passed by the Belle Isle City Council, in session assembled on the						
19	day of, 2017, at which session a quorum of its members were present.						
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21	Yolanda Quiceno, CMC-City Cle	erk					
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