

**RESOLUTION NO. 2014-04**

**A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE HEALTH OF VOLUSIA COUNTY BEACHES AND THE SAFETY OF CITIZENS AND VISITORS USING CITY BEACHES; RELATING TO DOGS BEING PERMITTED ON BEACHES OTHER THAN CURRENTLY DESIGNATED COUNTY “DOG FRIENDLY” BEACHES; EXPRESSING APPRECIATION TO THE VOLUSIA COUNTY COUNCIL; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS BY THE CITY MANAGER; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Daytona Beach Shores, Florida always works hard to consider the best interests of the citizens of Volusia County, the City and the public which visits and enjoys the County’s beautiful beaches and natural resources; and

**WHEREAS**, Article II, Section 7(a) of the *Constitution of the State of Florida* relates to natural resources and scenic beauty and provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources”; and

**WHEREAS**, recently a proposal was aired before the Volusia County Council to open the entirety of Volusia County's beaches to dogs; and

**WHEREAS**, the debate on that proposal has ended and, after hearing concerns from the County's Health Department, the Federal government and many Volusia County residents, the County Council voted against the proposed plan which presented dangers of hookworms and roundworms, the potential for rabies, adverse impacts on shorebirds and sea turtle nests, adverse affects upon economic and tourism development, as well as the aesthetic and safety concerns of the general public; and

**WHEREAS**, in any event Smyrna Dunes Park and Lighthouse Point Park are sanctioned dog-friendly zones and provide dog owners adequate facilities to enjoy beaches with their canine friends; and

**WHEREAS**, the City Council of the City of Daytona Beach Shores wishes to express its appreciation for the actions of the Volusia County Council.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:**

**SECTION ONE. LEGISLATIVE AND ADMINISTRATIVE FINDINGS OF THE CITY COUNCIL.**

(a). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing this Resolution.

(b). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Daytona Beach Shores and are incorporated into this Resolution as if set forth *in haec verba*.

**SECTION TWO. APPRECIATION OF COUNTY COUNCIL ACTION.**

(a). The City Council of the City of Daytona Beach Shores hereby expresses its appreciation to the County Council of Volusia County for maintaining the protection of the County's beaches with regard to dogs being allowed only on certain locations of the beaches.

(b). The City Council of the City of Daytona Beach Shores hereby urges the County Council of Volusia County to adhere to the current code and ordinance provisions relating to the limitations as to the authorized locations of dogs on the County's beaches.

**SECTION THREE. DIRECTIONS TO CITY MANAGER.** The City Manager is hereby directed to provide a copy of this Resolution to each member of the Volusia County Council and the County Manager of the County. Additionally, the City Manager is hereby authorized and directed to continue to monitor this matter, as may need be, and to take appropriate action to ensure that the policy expressed by the City Council herein is further implemented.

**SECTION FOUR. SAVINGS.** The prior actions of the City of Daytona Beach Shores relating to the beaches located within the City and any and all related actions and activities are hereby ratified and affirmed.

**SECTION FIVE: CONFLICTS.** All resolutions or parts thereof, if any, in conflict with this Resolution are hereby repealed to the extent of such conflict.

**SECTION SIX. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SEVEN. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

By: \_\_\_\_\_  
Mayor, Harry Jennings

**ATTEST:**

By:

\_\_\_\_\_  
Michael T. Booker, City Manager

\_\_\_\_\_  
Cheri Schwab, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Lonnie Groot, City Attorney

Passed and adopted on first reading this        day of February, 2014.

Posted this        day of February, 2014.