



To: Kimberley Springmyer; Yaneris Figueroa; William Ortiz; Jane Tompkins; Charles Wu

From: Bridgette Thornton, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Wild Animal On City Property

Date: June 10, 2014

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From the emails below, it appears that there is some confusion regarding elephants in the City. To clarify, Section 4-414 of the City's Zoning Code is directly on point in terms of restricting elephants in the City. More specifically, Section 4-414 of the Zoning Code states:

Except as provided herein, it shall be unlawful for any person or persons to keep any wild animal within the City of Coral Gables provided, however, this section shall not apply to zoos, pet shops, medical or scientific institutions, or other places licensed for the showing or keeping of wild animals.

A. Standards for issuance of permit:

1. In the City Manager's consideration of permits for animals subject to the provisions of this section, there shall be a presumption against the issuance of a permit for any animal or reptile falling within the following classifications:

- a. Any lizard normally capable of inducing toxic effects through biting, including the Gila monster and the Mexican beaded lizard.
- b. Any lizard in excess of eight (8) feet in length or of a weight in excess of twenty-five (25) pounds.
- c. Any alligator, caiman, or crocodile in excess of four (4) feet in length.
- d. Any ape, including the chimpanzee, gorilla, orangutan, gibbon, or simian.

e. Any true monkey but not including the smaller lower primates, such as lemurs, marmosets, etc., provided, however, it shall be unlawful to keep any monkey in such a place so as to be exposed to the public view.

f. All members of the flesh-eating order of Carnivore, including non-domestic dogs, cats, foxes, seals, raccoons, coatamundis, bears, civets, skunks, and related forms.

g. All homed or hoofed mammals.

h. Elephants.

2. There shall be a presumption in favor of the issuance of a permit to keep animals which do not fall within the classifications set forth in Section 4-414(A)(l) above; provided, however, the City Manager may still in the exercise of discretion deny a permit where the keeping of such animal is dangerous and harmful to human safety.

The term "wild animal" is defined in the Zoning Code as "animals which are wild by nature and not customarily domesticated in the United States not including birds, small rodents or small non-poisonous reptiles."

Because Elephants are not customarily domesticated in the U.S., under the City's Zoning Code, an Elephant would qualify as a wild animal. Thus, in accordance with Section 4-414 of the City's Zoning Code, elephants are prohibited in the City of Coral Gables unless the City Manager issues a permit in accordance with 4-414(a) of the City's Zoning Code. Moreover, please note that Section 4-416 of the Zoning Code governs the keeping of domesticated cats and dogs in the City. As such, it would be best to cite the violator under Section 4-414 as opposed to Section 4-416 of the Zoning Code. If you have questions relating to provisions of the City's Codes (including their applicability to specific scenarios), please do not hesitate to contact our Office for help resolving those issues.

**Osle, Zilma**

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**From:** Leen, Craig  
**Sent:** Tuesday, June 10, 2014 4:19 PM  
**To:** Thornton, Bridgette  
**Cc:** Osle, Zilma; Figueroa, Yaneris  
**Subject:** Re: Opinion for Opinion Binder

Good work. Thanks.

Sent from my iPhone

On Jun 10, 2014, at 4:10 PM, "Thornton, Bridgette" <[bthornton@coralgables.com](mailto:bthornton@coralgables.com)> wrote:

Zilma,

Please add the below opinion to the opinion binder.

Thank you,  
B

Bridgette N. Thornton  
Deputy City Attorney for the City of Coral Gables  
405 Biltmore Way, 2nd Floor  
Coral Gables, FL 33134  
Office: (305) 460-5084  
Cell: (305) 801-5797  
Fax: (305) 476-7795

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**From:** Thornton, Bridgette  
**Sent:** Tuesday, June 10, 2014 12:44 PM  
**To:** Springmyer, Kimberley; Figueroa, Yaneris; Ortiz, William; Tompkins, Jane; Wu, Charles  
**Cc:** Kattou, Michael  
**Subject:** RE: PRR079

Good Afternoon Everyone,

From the emails below, it appears that there is some confusion regarding elephants in the City. To clarify, Section 4-414 of the City's Zoning Code is directly on point in terms of restricting elephants in the City. More specifically, Section 4-414 of the Zoning Code states:

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- e. Any true monkey but not including the smaller lower primates, such as lemurs, marmosets, etc., provided, however, it shall be unlawful to keep any monkey in such a place so as to be exposed to the public view.
- f. All members of the flesh-eating order of Carnivore, including non-domestic dogs, cats, foxes, seals, raccoons, coatamundis, bears, civets, skunks, and related forms.
- g. All horned or hooved mammals.
- h. Elephants.

2. There shall be a presumption in favor of the issuance of a permit to keep animals which do not fall within the classifications set forth in Section 4-414(A)(1) above; provided, however, the City Manager may still in the exercise of discretion deny a permit where the keeping of such animal is dangerous and harmful to human safety.

The term "wild animal" is defined in the Zoning Code as "animals which are wild by nature and not customarily domesticated in the United States not including birds, small rodents or small non-poisonous reptiles."

Because Elephants are not customarily domesticated in the U.S., under the City's Zoning Code, an Elephant would qualify as a wild animal. Thus, in accordance with Section 4-414 of the City's Zoning Code, elephants are prohibited in the City of Coral Gables unless the City Manager issues a permit in accordance with 4-414(a) of the City's Zoning Code. Moreover, please note that Section 4-416 of the Zoning Code governs the keeping of domesticated cats and dogs in the City. As such, it would be best to cite the violator under Section 4-414 as opposed to Section 4-416 of the Zoning Code. If you have questions relating to provisions of the City's Codes (including their applicability to specific scenarios), please do not hesitate to contact our Office for help resolving those issues.

Thanks,  
Bridgette

Bridgette N. Thornton  
Deputy City Attorney for the City of Coral Gables  
405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134  
Office: (305) 460-5084  
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**From:** Springmyer, Kimberley  
**Sent:** Tuesday, June 10, 2014 11:30 AM  
**To:** Figueroa, Yaneris; Ortiz, William; Tompkins, Jane; Wu, Charles  
**Cc:** Kattou, Michael; Thornton, Bridgette  
**Subject:** RE: PRR079

When I return to the office I will forward a copy of the ticket. The ticket was issued for not having a "special event" permit. When Will and I reviewed the code we couldn't find anything else to cite under. Our Zoning Code 4-416 was the closest we could find but I don't think it's appropriate.

***Kimberley A Springmyer***  
City of Coral Gables Code Enforcement Officer  
427 Biltmore Way, Suite 100  
Coral Gables, FL 33134  
305-460-5273 office  
305-460-5268 fax

**Please consider the environment before printing this e-mail.**

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Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

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**From:** Figueroa, Yaneris  
**Sent:** Tuesday, June 10, 2014 11:12 AM  
**To:** Springmyer, Kimberley  
**Cc:** Kattou, Michael; Thornton, Bridgette  
**Subject:** FW: PRR079

Good Morning Kim,

Please see below.

Can we obtain a copy of the ticket discussed below and any file that may accompany it?

Thanks!

Yaneris Figueroa  
Assistant City Attorney for the City of Coral Gables  
405 Biltmore Way, 2nd Floor  
Coral Gables, FL 33134

Office: (305) 722-8625  
Fax: (305) 476-7795

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**From:** Roberts, Leonard  
**Sent:** Tuesday, June 10, 2014 11:08 AM  
**To:** Figueroa, Yaneris  
**Cc:** Birdsill, Cynthia  
**Subject:** RE: PRR079

Yaneris, the restaurant Georges located at 1549 Sunset Dr was recently cited for not having a permit for an elephant on their premises last Monday, June 2, 2014 . Kim Springmyer presented the citation.

Please see email below

**From:** Springmyer, Kimberley  
**Sent:** Monday, June 09, 2014 1:35 PM  
**To:** Paz, Evelyn; Ortiz, William; Couceyro, Fred; Roberts, Leonard  
**Cc:** Gavarrete, Norma; Kattou, Michael; Quintana, Amparo  
**Subject:** George's on Sunset

I hand delivered the ticket to George's on Sunset for the special event on June 2<sup>nd</sup>. He was expecting the violation; therefore there3 was no argument.

***Kimberley A Springmyer***  
City of Coral Gables Code Enforcement Officer  
427 Biltmore Way, Suite 100  
Coral Gables, FL 33134  
305-460-5273 office  
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**From:** Birdsill, Cynthia  
**Sent:** Tuesday, June 10, 2014 10:37 AM  
**To:** Roberts, Leonard  
**Cc:** Figueroa, Yaneris  
**Subject:** Fwd: PRR079

Leonard please respond.

Sent from my iPhone

Begin forwarded message:

**From:** "Figueroa, Yaneris" <yfigueroa@coralgables.com>  
**Date:** June 10, 2014 at 10:20:51 AM EDT  
**To:** "Tompkins, Jane" <jtompkins@coralgables.com>, "Levi, Naomi" <nlevi@coralgables.com>, "Birdsill, Cynthia" <cbirdsill@coralgables.com>  
**Subject:** PRR079

Good Morning,

Attached please find a public records request received by our Office relating to elephants. Specifically, the requestor is interested in obtaining "[a]ny and all records relating to elephants including, but not restricted to, permit applications." Please advise if you have any responsive records, and, if so, whether there is a cost associated in producing the request. If there is an applicable cost, please fill out the attached public records invoice statement to obtain a deposit from the requester.

Yaneris Figueroa  
Assistant City Attorney for the City of Coral Gables  
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Coral Gables, FL 33134  
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Fax: (305) 476-7795