MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 5-4-10)
January 21, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to animals; amending regulations on dogs in public areas; amending Section 5-20 of the Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

for

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 5-20 of the Code pertaining to animals

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The proposed legislation amending Section 5-20 of the Code amending regulations on dogs in public areas will not result in a fiscal impact to Miami-Dade County.

Assistant County Manager

fls03010

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

✓ **6 weeks required between first reading and public hearing**

✓ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
5-4-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS ON DOGS IN PUBLIC AREAS; AMENDING SECTION 5-20 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-20 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 5-20. Regulations on dogs in public areas.

(a) Legislative intent. It is deemed in the best interests of the health, safety and welfare of the citizenry and visitors of Miami-Dade County, Florida, that all necessary precautions be implemented to prevent cutaneous larva migrans (a frequently severe skin disorder caused by the infective larvae of a dog hookworm which is transmitted by the contact of the human skin with soil contaminated by dog feces), and visceral larva migrans (a disease caused by the ingestion of larvae dog roundworms which commonly occurs when young children swallow dirt).

(b) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog into or upon any public park or beach in the county; provided, however, this provision shall not apply to parkways, wayside parks, or other park areas in which dogs are specifically authorized.

(c) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to commit any nuisance upon: the sidewalk of any public street; the floor of any common hall in any apartment house, hotel, or other multi-family dwelling; or any entranceway, stairway or wall immediately abutting on a public sidewalk; or the floor of any theatre, shop, store, office building or other building used in common by the public. "Nuisance," for the

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

purposes of this section, shall be defined as defecation and/or urination. If a dog defecates on the grassy swale of a public right-of-way or other such public property, or on private property without the express or implied consent of the property owner, the responsible party shall remove the defecation and deposit it in an appropriate trash receptacle, sanitary disposal unit, or other sealed container.

(d) It shall be unlawful for a responsible party to allow, whether willfully or through failure to exercise due care or control, a dog to be unrestrained or to be at large in any manner in or upon: public property; a common area of a private building or development; or the private property of others without the express or implied consent of the property owner. >>Notwithstanding the foregoing, a dog may be unrestrained and shall not be deemed to be at large if it is supervised by a competent person and is: (i) in a park area in which dogs are specifically authorized by a municipality or by the County to be unrestrained; or (ii)<< [[~~A dog~~]] engaged in the sport of hunting in an authorized area [[~~and supervised by a competent person shall not be deemed to be at large~~]]. An intact dog running at large shall be subject to higher civil penalties than a sterilized dog; provided, however, that if the dog is sterilized within 30 days of receipt of the civil violation notice, the penalty shall be reduced to the amount for a sterilized dog. An intact dog shall be sterilized if it has received more than two civil violation notices for violations of this section that, if appealed, have been affirmed.

(e) It shall be unlawful for a responsible party to fail to exercise proper care and control of his dog or dogs so as to allow the dog or dogs to become a public nuisance. Chasing vehicles or persons and trespassing upon public or private property in such a manner as to damage property shall be deemed a public nuisance.

(f) *Exceptions.* Subsections >>(b)<< [[~~(a)~~]] through (d) of this section shall not apply to a person using a service animal or to a law enforcement officer using an animal for law enforcement purposes. >>Subsection (e) shall not apply to a law enforcement officer using an animal for law enforcement purposes.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this

ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW
DAK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Bruno A. Barreiro