

MEMORANDUM

Agenda Item No. 7(A)

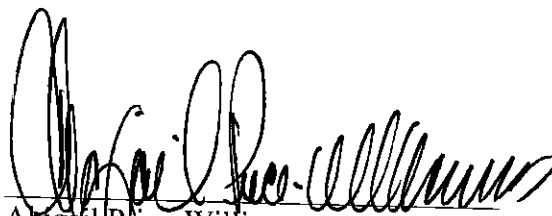
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 11-19-19)
September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to animals;
amending sections 5-10 and
8CC-10 of the Code; prohibiting
the sale of dogs and cats in
rights-of-way; providing for
enforcement by civil penalties;
providing for enforcement by any
Animal Control Officer, Code
Inspector, or County or
municipal law enforcement
officer

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Eileen Higgins, Commissioner Jean Monestime and Senator Javier D. Souto.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: November 19, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large, prominent "C" at the beginning.

Subject: Fiscal Impact Statement for Ordinance Prohibiting the Sale of Dogs and Cats in
Rights-of-Way

Implementation of this ordinance, although difficult to determine at this time, may result in a positive fiscal impact based on the revenues received from the issued civil citations. The ordinance would be enforced with existing staff and resources.

In addition to the Animal Services Department, this violation would be enforced by any County and Municipal Law Enforcement Officers, and code inspectors. Enforcement efforts by ASD and the Miami-Dade Police Department would, likely, be complaint driven and enforcement by the Department of Regulatory and Economic Resources will be conducted as part of their ongoing right-of-way enforcement activities.

A handwritten signature in black ink, appearing to read "Jennifer Moon". The signature is cursive and somewhat stylized.

Jennifer Moon
Deputy Mayor

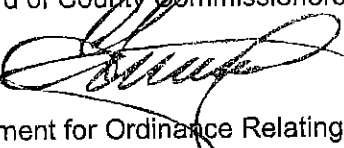
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Memorandum



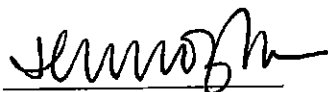
Date: November 19, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Animals Prohibiting the Sale of
Dogs and Cats in Rights-of-Way

The implementation of this ordinance would not have any measurable social equity benefit or burden to the community but would provide for the safety of animals. Clarifying the prohibitions and allowing for enforcement by civil penalties to be provided by any Animal Control Officer, Code Inspector, or County or Municipal Law Enforcement Officer would prevent the sale of dogs and cats in rights-of-way and would help to enforce the regulatory requirements for the breeding and sale of animals.

A handwritten signature in black ink, appearing to read "Jennifer Moon", written over a horizontal line.

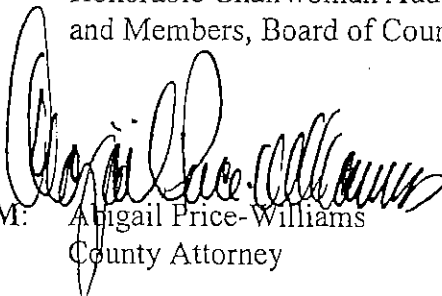
Jennifer Moon
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: November 19, 2019

FROM: 
Abigail Price-Williams
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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
11-19-19

ORDINANCE NO. _____

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-10 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE SALE OF DOGS AND CATS IN RIGHTS-OF-WAY; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTIES; PROVIDING FOR ENFORCEMENT BY ANY ANIMAL CONTROL OFFICER, CODE INSPECTOR, OR COUNTY OR MUNICIPAL LAW ENFORCEMENT OFFICER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the sale of dogs and cats in rights-of-way, and particularly on the side of the road, is a persistent problem in Miami-Dade County; and

WHEREAS, dogs and cats sold on the side of the road are almost always sold by “backyard breeders,” a colloquial phrase that refers to persons or entities that do not comply with regulations regarding the breeding and sale of animals; and

WHEREAS, dogs and cats sold on the side of the road often are unchecked by a veterinarian for health problems and have not been vaccinated against diseases or microchipped; and

WHEREAS, roadside sellers generally have not complied with requirements of the Code of Miami-Dade County to register as a pet dealer, or registered the animals with the Animal Services Department; and

WHEREAS, the side of the road is not an environment conducive for sellers to determine whether a prospective purchaser is fit to take care of a dog or cat, nor is it an environment conducive for purchasers to determine whether the seller is offering a healthy dog or cat for sale or has otherwise complied with the regulatory requirements for the breeding and sale of animals; and

WHEREAS, the sale of dogs and cats on the side of the road also distracts drivers on the road, takes up space in the right-of-way that could be needed in an emergency situation, and poses a threat to the dogs and cats being offered for sale, which could escape from their custodian and run onto the road into oncoming traffic; and

WHEREAS, in the interest of public safety and welfare, as well as the safety and welfare of animals, this Board wishes to prohibit the sale, offering for sale, or display for purposes of sale of any dog or cat within any right-of-way,

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

Section 1. Section 5-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 5-10. – Requirements for sales of dogs and cats.

* * *

- (m) *Municipal regulations authorized.* Any municipality may adopt or enforce additional regulations governing the sales of animals within the boundaries of such municipality; provided that any such municipal regulation shall not be less

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.

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restrictive than the provisions of this chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality.

>>(n) Prohibition of Sale of Dogs and Cats in Rights-of-Way. Notwithstanding any other provision of the Code, it shall be unlawful to sell, offer for sale, or display for purposes of sale any dog or cat within any right-of-way. Any person who violates the provisions of this subsection shall be subject to a civil penalty. Notwithstanding any other provision in this chapter, this subsection may be enforced by: any Animal Control Officer; any Code Inspector, as defined in section 8CC-3(a); or any County or municipal law enforcement officer. This subsection shall not be construed to prohibit any sign lawfully displayed within a right-of-way.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 8CC-10. – Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
5-10	Dog or cat from unpermitted source	500.00
	* * *	
	Offering for sale or sale of a dog or cat prior to eight (8) weeks of age	500.00
	>>Selling, offering for sale, or displaying for purposes of sale any dog or cat within any right-of-way	500.00<<
	All other violations of 5-10	500.00

Section 3. 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 4. 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 a 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.

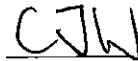
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Christopher J. Wahl

Prime Sponsor: Commissioner Daniella Levine Cava
Co-Sponsor: Commissioner Jose “Pepe” Diaz
Commissioner Eileen Higgins
Commissioner Jean Monestime
Senator Javier D. Souto