

MEMORANDUM


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

DATE: Amended
Agenda Item No. 7(E)
(Second Reading 12-4-12)
October 2, 2012

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

SUBJECT: Ordinance pertaining to animals; prohibiting the keeping of dogs on rooftops; creating Section 5-21.1 and amending Section 8CC-10 of the Code
Ordinance No. 12-101

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

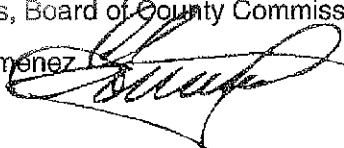
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Memorandum



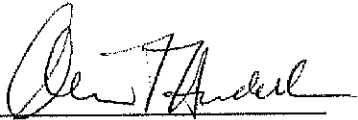
Date: December 4, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Creating Section 5-21.1 and Amending Section 8CC-10 of the Code

The proposed ordinance prohibits Miami-Dade County residents from housing, maintaining, and/or keeping a dog on the rooftop of any building, unless accompanied by a responsible party. The implementation of this ordinance will not have a fiscal impact to the County.



Alina T. Hudak
Deputy Mayor/County Manager

Fis0213



MEMORANDUM
(Revised)

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

DATE: December 4, 2012

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

SUBJECT: Amended
Agenda Item No. 7 (E)

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 _____

Amended
Agenda Item No. 7(E)
12-4-12

ORDINANCE NO. 12-101

ORDINANCE PERTAINING TO ANIMALS;
PROHIBITING THE KEEPING OF DOGS ON
ROOFTOPS; CREATING SECTION 5-21.1 AND
AMENDING SECTION 8CC-10 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; PROVIDING
AUTHORITY FOR ENFORCEMENT BY CIVIL
PENALTY; 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 5-21.1 of the Code of Miami-Dade County is hereby created:

Sec. 5-21.1. – Dogs on rooftops.

It shall be unlawful to house, maintain, keep, or otherwise have a dog on the rooftop of any building. It is provided, however, that it shall not be a violation of this section for a dog to temporarily accompany a responsible party on the rooftop, or to have a dog in any habitable residential area.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

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.

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.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * * *	
>>5-21.1	<u>Keeping dog on rooftop</u>	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 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: December 4, 2012

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be 'D.K.', written over a horizontal line.

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsor: Vice Chairwoman Audrey M. Edmonson