

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 1-24-17)
October 18, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to
animals; creating section
5-18.1 of the Code; providing
for the regulation of the
harboring or keeping of stray
and lost dogs by private
individuals or organizations;
amending section 8CC-10;
providing for enforcement by
civil penalty; directing the
County Mayor to create an
on-line lost dog registry

Ordinance No. 17-05

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams
County Attorney



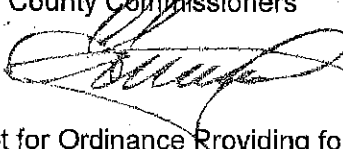
APW/cp

Memorandum



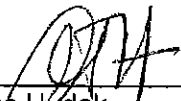
Date: January 24, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Fiscal Impact Statement for Ordinance Providing for the Regulation of the Harboring or Keeping of Stray and Lost Dogs by Private Individuals or Organizations

The proposed ordinance creates section 5-18.1 of the Code of Miami-Dade County, providing for the regulation of the harboring or keeping of stray and lost dogs by private individuals or organizations. The mechanism for custodians to report stray or lost dogs found currently exists through the PetHarbor program. The PetHarbor program includes all of the requirements outlined in the ordinance. Therefore, implementation of this ordinance will have no fiscal impact to Miami-Dade County.



Aline Hudak
Deputy Mayor

FIS00717 162314

Memorandum



Date: January 24, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Social Equity Statement for Ordinance Creating Section 5-18-1 of the Code Providing for the Regulation of the Harboring or Keeping of Stray and Lost Dogs by Private Individuals or Organizations, and Establishes the Requirement to Create an Online Lost Dog Registry

The proposed ordinance creates Section 5-18-1 of the Code of Miami Dade County providing for the regulation of the harboring or keeping of stray and lost dogs by private individuals or organizations, and establishes the requirement to create an online lost dog registry. It also amends Section 8CC-10 of the Code to provide for a means for enforcement by civil penalty for violations of the ordinance.

This ordinance will provide a centralized resource for individuals looking for their lost dogs. The proposed ordinance is not anticipated to have any measurable social equity benefit or burden.

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

Alina Hudak
Deputy Mayor

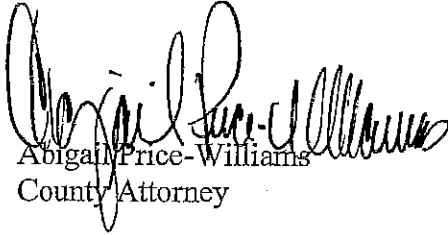


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: January 24, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 ____, 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(B)
1-24-17

ORDINANCE NO. 17-05

ORDINANCE PERTAINING TO ANIMALS; CREATING SECTION 5-18.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE REGULATION OF THE HARBORING OR KEEPING OF STRAY AND LOST DOGS BY PRIVATE INDIVIDUALS OR ORGANIZATIONS; AMENDING SECTION 8CC-10; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO CREATE AN ON-LINE LOST DOG REGISTRY; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, reuniting lost dogs with their owners and caring for stray dogs are important public policies; and

WHEREAS, many stray and lost dogs are reported and brought to the County's Animal Services Department on a daily basis; and

WHEREAS, the County's new Animal Shelter is a state-of-the-art facility for humanely caring for animals but it nevertheless has a finite amount of space within which to house stray and lost dogs; and

WHEREAS, many County residents wish to care for stray or lost dogs in their own homes until they can be reunited with their owners or adopted by new owners; and

WHEREAS, this Board wishes to create an orderly process for County residents to care for stray or lost dogs while ensuring that lost dogs can be reunited with their owners and that stray dogs receive appropriate care,

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

Section 1. Section 5-18.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Sec. 5-18.1 - Harboring or keeping of stray or lost dogs; on-line lost dog registry created.

- (a) For purposes of this section, "custodian" means any individual, animal rescue organization, veterinarian office, or other person or entity who comes into possession or custody of any stray or apparently lost dog and chooses to harbor or keep that dog rather than take it for impoundment at the County's Animal Shelter.
- (b) Any custodian of a stray or apparently lost dog shall, within 72 hours of receiving the dog, have the dog scanned for a microchip and notify the Department of receiving possession or custody.
 - (1) If the microchip scan reveals that the dog is registered to an owner, the custodian shall contact the registered owner within 24 hours.
 - (2) Notification to the Department shall include the following information: a photograph of the dog; a physical description of the dog, including breed (if known), color, and gender; the date found; the location found; and the custodian's contact information.
- (c) The custodian may at any time bring the dog to the County's Animal Shelter for impoundment pursuant to section 5-18 of this chapter. The dog shall be impounded as a stray, and the confinement period shall commence from the date the Department receives the dog.
- (d) The custodian may not keep a stray or lost dog for more than seven days if it would exceed the maximum number of dogs permitted without constituting a kennel, as defined in section 5-1 of this chapter.

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.

- (e) The custodian shall notify the Department as to the ultimate disposition of the dog.
- (f) Each dog that is harbored or kept in violation of the above requirements shall be deemed a separate violation of this section.<<

Section 2. Section 8-CC-10 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.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	* * *	
>>5-18.1	<u>Failure to notify Department of keeping stray or lost dog or to update Department as to transfer or disposition of dog</u>	
	<u>First offense</u>	<u>Warning</u>
	<u>Second offense</u>	<u>\$50.00</u>
	<u>Third or more offense</u>	<u>\$100.00<<</u>
	* * *	

* * *

Section 3. The County Mayor or County Mayor's designee shall establish and maintain a Lost Dog Registry that contains the information submitted by a custodian as required in this section. The County Mayor or County Mayor's designee shall make the Lost Dog Registry available to the public on the internet and may make the information available on any pet finder databases or websites that the Department uses.

Section 4. 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 5. 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: January 24, 2017

Approved by County Attorney as
to form and legal sufficiency:

GRK
MAG

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz