OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(G)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Ordinance modifying procedures for investigating complaints concerning dangerous dogs

Ordinance No. 11-27

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Section 5-22 of the Code of Miami-Dade County

---

The proposed ordinance modifying the procedures for investigating complaints concerning dangerous dogs will not have a fiscal impact to the County. Animal Services already conducts investigations; the amendment however, allows for the Animal Services department to commence an investigation prior to receiving an affidavit for a complaint about a dangerous dog.

Alex Munoz
Assistant County Manager

Fis 2311

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Amended Agenda Item No. 7(G)

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(G)
5-3-11

ORDINANCE NO. **11-27**

ORDINANCE PERTAINING TO ANIMALS; MODIFYING PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING DANGEROUS DOGS; AMENDING SECTION 5-22 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 5-22 of the Code of Miami-Dade County is hereby amended to read as follows: [1]

Sec. 5-22. - Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.

* * * *

(c) The Director or designee shall designate a dog as dangerous if the dog commits one (1) or more of the acts specified in subsection (b) above.

[[~~(1)~~]] An individual desiring to have a dog designated as dangerous shall attest in a sworn affidavit to the incident giving rise to the request >>, but the Department may commence an investigation prior to receiving an affidavit. The Department shall not investigate anonymous complaints.<< [[~~and shall submit the affidavit to the Department within 30 days of the incident~~]].
[[~~(2) Upon receipt of a sworn affidavit, an Animal Control Officer will investigate the complaint and will, if possible, interview the party responsible for the dog under investigation before designating the dog as dangerous.~~]]

[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.

* * * *

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: May 3, 2011

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Dennis C. Moss