

# MEMORANDUM

Agenda Item No. 7(G)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners


**DATE:** July 8, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to animals  
and noise regulation; amending  
section 5-2 of the Code;  
authorizing Animal Control  
Officers to enforce certain noise  
regulations; making technical  
amendments

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

  
Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** July 8, 2021

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Animal Control Officers to Enforce  
Certain Noise Regulations, File #211038

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The implementation of this ordinance will have a fiscal impact to Miami-Dade County. It is not anticipated that additional staff will be required at this time. Additionally, associated fines could be collected as a result of violations issued, but the value is undetermined at this time.

A handwritten signature in blue ink that reads "Morris Copeland". The signature is written in a cursive, flowing style.


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Morris Copeland  
Chief Community Services Officer

FIS03421 211038

# Memorandum



**Date:** July 8, 2021  
**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners  
**From:** Daniella Levine Cava   
Mayor  
**Subject:** Social Equity Statement for Ordinance Amending Section 5-2 of the Code of Miami-Dade,  
File #211038

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The proposed ordinance amending Section 5-2 of the Code of Miami-Dade County expressly authorizes animal control officers to enforce specific provisions of Section 21-28 of the Code of Miami-Dade County related to animal noises.

The proposed ordinance is expected to have a beneficial impact to the community as it addresses unreasonably loud, excessive, or unusual animal noises that may adversely impact quality of life or harm human health and welfare.

A handwritten signature in blue ink, appearing to read "Morris Copeland".

Morris Copeland  
Chief Community Services Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** July 8, 2021

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** 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
- 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(G)  
7-8-21

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ANIMALS AND NOISE REGULATION; AMENDING SECTION 5-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING ANIMAL CONTROL OFFICERS TO ENFORCE CERTAIN NOISE REGULATIONS; MAKING TECHNICAL AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, residents and visitors in Miami-Dade County value the County’s premium quality of life; and

**WHEREAS**, one important aspect of the quality of life in Miami-Dade County is not having to listen to unreasonably loud, excessive, unnecessary, or unusual noises, which can harm human health and welfare; and

**WHEREAS**, the County has existing regulations on excessive noise in section 21-28 of the Code of Miami-Dade County, which provides mechanisms for enforcement; and

**WHEREAS**, section 21-28 currently prohibits, among other things, “[t]he owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building, structure or yard in which the dog, animal or bird is located”; and

**WHEREAS**, although Miami-Dade County animal control officers are expressly authorized to enforce chapter 5, which relates to animal welfare, County animal control officers are not expressly authorized to enforce section 21-28; and

**WHEREAS**, County animal control officers are well-qualified to handle a wide range of issues relating to animals, including unlawful animal noise; and

**WHEREAS**, to promote the health, welfare, and quality of life of residents and visitors in Miami-Dade County, this Board wishes to authorize County animal control officers to enforce section 21-28 whenever enforcement involves dogs, birds, or other animals,

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

**Section 1.** The foregoing recitals are approved and incorporated herein.

**Section 2.** Section 5-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 5-2. – Enforcement.**

- (a) The provisions of this chapter shall apply in the incorporated and unincorporated areas of Miami-Dade County.
- >>(1)<< The Department, through Miami-Dade County Animal Control Officers, shall be responsible for enforcing the sections of this chapter.
- >>(2) County Animal Control Officers shall also have the authority to enforce section 21-28 whenever enforcement involves dogs, birds, or other animals.
- (3)<< County and municipal law enforcement officers shall also be authorized to enforce the provisions of this chapter relating to cruelty to animals and confiscation of dangerous dogs and dogs subject to dangerous dog investigations.
- >>(4)<< The Director shall have the authority to amend and modify the administration of the Department's operating procedures and to establish rules, procedures, and forms to carry out the Department's responsibilities pursuant to this chapter.

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<sup>1</sup> 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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**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:

GKS for GBK  
CJW

Prepared by:

Christopher J. Wahl

Prime Sponsor: Senator Javier D. Souto