

MEMORANDUM

Agenda Item No. 7(C)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	(Second Reading: 2-1-22) September 1, 2021
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to animals and noise regulation; amending section 21-28 of the Code; providing guidance regarding animal noise

Ordinance No. 22-13

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: February 1, 2022

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".

Subject: Fiscal Impact Statement for Ordinance Relating to Animals and Noise Regulation; Amending Section 21-28 of the Code of Miami-Dade County, Florida – File No. 211990

Although the implementation of this ordinance may result in additional Code Enforcement investigations, our current staff within the Miami-Dade Police and Animal Services Departments will be able to absorb these additional investigations. Therefore, it is anticipated that the implementation of this ordinance will not have a significant fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer

Memorandum



Date: February 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Animals and Noise Regulation;
Amending Section 21-28 of the Code of Miami-Dade County, Florida - File No.
211990

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. The proposed ordinance grants authority for animal control officers to enforce animal related noise violations; provides clarity to the existing noise ordinance defining frequent, habitual or long noise; and clarifies that the animal must be contained on the alleged violator's property. The phrase "frequent, habitual or long" as used in the proposed ordinance is defined as a period exceeding 30 minutes or periods exceeding 15 minutes on three separate occasions within a timeframe of three consecutive days. The proposed ordinance provides a social benefit to the community by ensuring all residents are entitled to enjoy an environment free of excessive and continued noise.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(C)

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(C)
2-1-22

ORDINANCE NO. 22-13

ORDINANCE RELATING TO ANIMALS AND NOISE
REGULATION; AMENDING SECTION 21-28 OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING
GUIDANCE REGARDING ANIMAL NOISE; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, unreasonably loud, excessive, unnecessary, or unusual noises can harm human health and welfare and negatively impact the premium quality of life that residents and visitors of Miami-Dade County enjoy; and

WHEREAS, the County therefore has existing regulations on excessive noise in section 21-28 of the Code of Miami-Dade County, Florida (the “Code”); 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, as a general matter, it is natural and acceptable for animals to make noise, but excessive and successive noise disrupts the communities where residents live and violates section 21-28 of the Code; and

WHEREAS, County residents may wish to have better guidance as to when they could be held responsible under section 21-28 for noises emitted by wildlife or domestic animals; and

WHEREAS, County residents may also wish to have better guidance as to when animal noise is considered “frequent, habitual or long continued” under section 21-28; and

WHEREAS, this Board therefore wishes to amend section 21-28 to provide guidance regarding (1) the “harboring, possessing or keeping” of animals and (2) the circumstances under which noise is “frequent, habitual or long continued”,

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 21-28 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-28. - Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars (\$500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

* * *

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.

- (c) Animals, birds, etc. The 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. >>Without limiting the meaning of the terms used in this subsection, it is provided that:
- (1) A person shall be deemed to harbor, possess or keep an animal if the person: has, by any means, confined the animal to the property where the animal is located; or has, within the preceding 14 days, intentionally provided food to the animal or another animal of the same species on the property where the animal is located; and
- (2) Noise shall be deemed to be frequent, habitual or long continued if the noise continues: for a period in excess of 30 minutes; or for at least three separate periods, each in excess of 15 minutes, provided that the periods occur within the time span of three consecutive days.<<

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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:

February 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GBK
CJW

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Raquel A. Regalado

Co-Sponsor: Senator Javier D. Souto