

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2013-05-15

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 4 “ANIMALS,” ARTICLE III “DOGS AND CATS,” DIVISION 2 “DOGS,” TO PROVIDE FOR THE REPEAL OF THE REQUIREMENTS OF SECTION 4-90(A) “DOG KENNEL” OF THE CODE OF ORDINANCES, RELATED TO THE DEFINITION OF DOG KENNELS WITHIN THE CITY, AND PROVIDING FOR THE INCORPORATION BY REFERENCE OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES RELATED TO THE DEFINITION OF DOG KENNELS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Homestead, Florida (“City Council”) finds it periodically necessary to amend its Code of Ordinances (“City Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Section 5-2 (a) of the Miami-Dade County Code of Ordinances (“County Code”) provides that the animal control regulations of Chapter 5 “Animals and Fowl” of the County Code shall apply within the City, and municipal regulations shall not conflict with these provisions; and

WHEREAS, Section 5-13 of the County Code provides for licensing and operational regulations for operators of kennels within Miami-Dade County; and

WHEREAS, following review of the provisions of Chapter 5 of the County Code concerning the regulation of dog kennels, the City Council finds that it is in the best interest of the City to provide for the repeal of the requirements of Section 4-90(a) of the

City Code, and the incorporation by reference of the requirements of Chapter 5 “Animals and Fowl” of the County Code related to the number of dogs which constitutes a kennel for the purposes of regulation, as shown in the excerpt of the pertinent provisions of the County Code attached hereto as Exhibit “A”; and

WHEREAS, the City Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:¹

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Division 2 “Dogs” of Article III “Dogs and Cats” of Chapter 4 “Animals” of the Code of Ordinances is hereby amended to read as follows:

ARTICLE III. DOGS AND CATS.

DIVISION 2. DOGS.

Section 4-90. Dog kennel.

(a) ~~The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor or pet shop, as permitted by law, or the keeping of more than three (3) dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than one (1) dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel. The provisions of Chapter 5 entitled "Animals and Fowl" of the Miami-Dade County Code pertaining to the definitions of uses which shall constitute a kennel for purposes of regulation, are hereby adopted and incorporated by reference.~~

¹ Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strikethrough~~.

(b) Should the zoning code compliance department of the city make a determination that dogs being kept on any property within the city meet the definition of a kennel in accordance with subsection (a), the city shall give notice thereof and the owner and/or owners of the property shall be required to make application for and obtain the necessary permits to correct the situation in compliance with this section.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this 17th day of April, 2013.

PASSED AND ADOPTED on second reading this 15th day of May, 2013.

STEVEN C.BATEMAN
Mayor

ATTEST:

ELIZABETH SEWELL, MMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.
City Attorney

Motion to adopt by Councilman Williams, seconded by Councilwoman Fairclough-McCormick.

FINAL VOTE AT ADOPTION

Mayor Steven Bateman
Vice Mayor Jon Burgess
Councilwoman Judy Waldman
Councilwoman Patricia Fairclough-McCormick
Councilman Elvis Maldonado
Councilman Stephen Shelley
Councilman Jimmie L. Williams, III

_____ YES
_____ YES
_____ YES by Telephone
_____ YES
_____ YES
_____ YES
_____ YES