

ORDINANCE #2014-22

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY CODE BY CREATING ARTICLE II, "GENERAL PROVISIONS," IN CHAPTER 3, "ANIMALS," PROHIBITING CERTAIN ACTS AND SITUATIONS INVOLVING ANIMALS TO PROMOTE, PROTECT AND IMPROVE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY; PROVIDING FOR CIVIL ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents and personnel of the City of Doral (the "City") regularly witness a variety various acts and situations involving animals that create nuisance, unsanitary, and/or dangerous conditions in the City that may deleteriously affect the health, safety, and welfare of citizens and animals in the City; and

WHEREAS, the policies as recommended by the City's administration in this Ordinance allow for the City to work towards the elimination of such acts and situations involving animals through the code enforcement process; and

WHEREAS, the Mayor and the City Council find that the policies contained herein are in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended by the addition of Article II, "General Provisions," in Chapter 3, "Animals," which shall read as follows:

CHAPTER 3. ANIMALS

ARTICLE II – GENERAL PROVISIONS

Section 3-25. Committing nuisances prohibited.

It shall be unlawful for an owner or a responsible party to permit any animal to commit a nuisance of any kind or character upon any public property within the City or any private property other than the property of the owner or responsible party of the animal. "Nuisance" for the purposes of this section shall include, but not be limited, to defecation and/or urination.

Section 3-26. Keeping of animals under unsanitary conditions prohibited; notice; abatement.

It shall be prohibited for any person to pen, confine or keep any animal in the City in such place or in such manner so that the unsightly appearance shall be objectionable and/or the odor and noise caused, produced and/or created by such animals shall be offensive, unhealthful and/or objectionable to persons of ordinary sensibility, longer than twenty-four (24) hours after written notice to abate or remove such objectionable feature from the persons offended by or objecting thereto.

Section 3-27. Removal of animal defecation.

- (1) Any person owning, possessing, harboring and/or having the care, charge, control or custody of any animal shall immediately remove and thereafter dispose of any fecal matter deposited by the animal on public or private property (other than the property of the owner or responsible party of the animal) unless the owner or person in lawful possession of the property has consented to such deposit. For the purpose of this section, animal fecal matter shall be immediately removed by placing the matter in a closed or sealed container and, thereafter, disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit, or other closed or sealed container.
- (2) This section shall not apply to disabled persons accompanied by a service dog used for their assistance.

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Section 3-28. *Running at large prohibited; exception.*

It shall be prohibited for the owner or person in control of any animal to permit the animal to run at large. All animals, when not on the premises of their owner or of the person in control, must be on a leash or contained in a carrier device and under the control of a competent person, except for in Tails and Trails Park or for duly permitted authorized events where animals running at large have been permitted for show, demonstration, or other controlled purpose.

Section 3-29. *Maximum number of animals on premises.*

It shall be unlawful for any owner or responsible person to keep, maintain or harbor more than ten domestic animals on the premises of the owner or responsible person; however, at no time shall there be more than four dogs residing on the premises of the owner or responsible person. This section shall not apply animal hospitals, pet stores, kennels, and/or other businesses, that possess a valid Business Tax Receipt and Certificate of Use to operate such businesses involving animals and are located in a zoning district that allows such a use.

Section 3-30. *Penalties.*

Violations of this section shall be enforced in accordance with Chapter 11 of the City Code, with penalties as provided therein. Any person who has been issued a citation for committing an act in violation of a section of this chapter may contest the Citation before the City's special magistrate, the decision of which may be appealed to the appellate division of the Miami-Dade County Circuit Court. Any person who willfully refuses to sign and accept a citation issued by an Code Inspector shall be guilty of a misdemeanor of the second degree, punishable as provided by sections 775.082, 775.083, or 775.084, Florida Statutes.

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Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of

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the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately

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The foregoing Ordinance was offered by Councilmember Rodriguez Aguilera, who moved its adoption. The motion was seconded by Councilmember Ruiz, and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING THIS 11th day of June 2014.

PASSED AND ADOPTED on FIRST READING THIS 9th day of July 2014.

LUIGI BORIA, MAYOR

ATTEST:

BARBARA HERRERA, CITY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
FOR THE SOLE USE AND RELIANCE OF THE CITY OF DORAL

WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, PL
CITY ATTORNEY

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