

ORDINANCE NO. 2011-12-254

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 14, ARTICLE IX CREATING "DIVISION 1. GENERALLY" AND RESERVING SECTIONS; CREATING DIVISION 2. TO INCLUDE EXISTING ORDINANCE PROVISIONS RELATING TO TETHERING OF CANINES; RENUMBERING SECTIONS 14-588 THROUGH 14-594 TO SECTIONS 14-619 THROUGH 14-625; CREATING "DIVISION 3. REGULATING THE REMOVAL AND PROPER DISPOSAL OF ANIMAL FECAL MATTER ON PUBLIC AND PRIVATE PROPERTY"; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 166.021 of the Florida Statutes, the City of Miami Gardens is authorized to enact codes to protect the health, safety and welfare of its citizens, and

WHEREAS, the sight of animal fecal matter creates a public nuisance and unsanitary conditions, and

WHEREAS, Councilman David Williams Jr. and Councilwoman Lisa Davis recommend the adoption of an Ordinance to require the removal and proper disposal of animal fecal matter,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Chapter 14, Article IX of the City of Miami Gardens' Code of Ordinances is hereby amended to create Division 1 as follows:

**DIVISION 1. GENERALLY.**

**Secs. 14-588 - 14-618. Reserved.**

Section 3. AMENDMENT: Chapter 14, Article IX of the City of Miami Gardens' Code of Ordinances is hereby amended to create Division 2 to include existing ordinance provisions relating to tethering of canines as follows:

**DIVISION 2. TETHERING OF CANINES.**

Section 4. RENUMBERING: Sections 14-588 through 14-594 are hereby renumbered to Sections 14-619 through 14-625.

Section 5. AMENDMENT: Chapter 14, Article IX of the City of Miami Gardens' Code of Ordinances is hereby amended to create Division 3 as follows:

**DIVISION 3. REMOVAL AND PROPER DISPOSAL OF ANIMAL FECAL MATTER.**

**Sec. 14-626. Prohibition.**

It shall be unlawful for any person owning, possessing, having the care, charge, control or custody of any animal(s) to not immediately remove and thereafter dispose of any fecal matter deposited by the animal(s) on public property or private property other than the private property of the owner or responsible party of the animal(s) unless the owner or person in lawful possession of the property has consented to such deposit. Public property includes, but is not limited to, parks, sidewalks, swales, and streets. For the purposes 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.

**Sec. 14-627. Exemptions.**

This Ordinance shall not apply to blind persons accompanied by a dog used for their assistance.

**Sec. 14-628. Penalties.**

Any person convicted of a violation of Section 14-626 shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or both, in the discretion of the County Court.

Section 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 22<sup>nd</sup> DAY OF JUNE, 2011.

PASSED ON SECOND READING ON THE 13<sup>th</sup> DAY OF JULY, 2011.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF  
MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13<sup>TH</sup> DAY OF  
JULY, 2011.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

CO-SPONSORED BY: COUNCILMAN DAVID WILLIAMS JR. AND  
COUNCILWOMAN LISA DAVIS

Moved by: Councilman David Williams Jr.  
Second by: Councilman Gilbert

**VOTE: 7-0**

Mayor Shirley Gibson	<u>X</u> (Yes)	____ (No)
Vice Mayor Aaron Campbell, Jr.	<u>X</u> (Yes)	____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	____ (No)
Councilwoman Lisa Davis	<u>X</u> (Yes)	____ (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	____ (No)
Councilman Andre' Williams	<u>X</u> (Yes)	____ (No)