



ORDINANCE # 2022-05

ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI REPEALING AND REPLACING CHAPTER 4 "ANIMALS AND FOWL," ARTICLE II, SECTION 4-19 "PERMITTING DOGS TO DEFECATE OR URINATE PROHIBITED,"; AMENDING LANGUAGE; INCLUDING ASSESSMENT OF FINE TO OWNERS OF DOGS IN VIOLATION OF THIS SECTION; PROVIDING FOR CONFLICT CORRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, owning a dog is beneficial to an owner's balance and well-being and serves as a source of unconditional love; and

WHEREAS, dogs help owners cope with anxiety and improve overall mental health, and

WHEREAS, a dog's intelligence, loyalty, affection and devotion is incredibly rewarding as a true "man's best friend"; and

WHEREAS, owners of dogs bear a great responsibility as to the care and protection of their pets; and

WHEREAS, owners of dogs also bear a responsibility to neighbors and other citizens as to the sanitary conditions of their pets; and

WHEREAS, dogs, as all living beings, have physical urges which are euphemistically described as a "nature call"; and

WHEREAS, responsible pet owners protect their pets, neighbors and citizens by assuming that no dog waste is left without disposal; and

WHEREAS, irresponsible pet owners ignore their responsibilities creating conditions that affect the health, safety and welfare of other neighbors and citizens; and

WHEREAS, the Mayor and City Commission are responsible for the health, safety and welfare of all its citizens; and

WHEREAS, non-compliance by pet owners of their obligations of health must be monitored, regulated and enforced.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Commission of the City of West Miami as follows:

Section 1. The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

Section 2. Article II, Section 4-19 of Chapter 4 "Animals and Fowl" is hereby repealed in its entirety and replaced as follows:

Section 4-19, Permitting dogs to defecate or urinate prohibited.

(1) No person owning or having the care, custody or control of a dog shall knowingly or negligently permit such dog to commit any nuisance, and more particularly including, and without limiting the generality thereof, the excretion of feces upon any public sidewalk or other thoroughfare, or in or upon any public building or any paved approach to such building from the street, or in or upon any public park or public playground, or on any private property without the permission of the owner of said property; nor shall any person omit to do any reasonable and proper act or omit to take any reasonable and proper precaution to prevent any such dog from committing a nuisance in, on or upon any of the places or premises herein specified.

(2) Any person owning, harboring, keeping or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of such property, shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.

Section 3. Violation of this section shall result in a Notice of Violation and a fine of \$100.00 for the first violation and \$200.00 for any subsequent violation.

Section 4. All sections or part of sections of the City Code or ordinances or parts of ordinances and all resolutions or part of resolutions in conflict with this ordinance are repealed to the extent of those conflicts.

Section 5. Scrivener's Error. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

Section 6. This ordinance shall become effective upon its adoption and approval by the Mayor and City Commission, as provided by the Charter of the City of West Miami.

Passed and adopted this 1st day of June, 2022

Approved:

ERIC DIAZ-PADRON, MAYOR

ATTEST:

ANNERY GONZALEZ, MMC CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:

JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

This Ordinance was offered by Commissioner Blanca, who moved its adoption. The motion was seconded by Commissioner Chavez. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR JUAN BLANES	<u>Absent</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

<p>Date of 1st Reading: <u>May 4th, 2022</u> Date of Publication: <u>May 18th, 2022</u> Date of 2nd Reading: <u>June 1st, 2022</u></p>
