

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: April 23, 2025 10:25 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE III, ENTITLED "PROPERTY MAINTENANCE STANDARDS," BY AMENDING SECTION 58-298 THEREOF, ENTITLED "RESPONSIBILITIES OF OWNERS AND OCCUPANTS," TO REQUIRE PROPERTY OWNERS OF HOUSES AND BUILDINGS WITHIN THE CITY TO PROVIDE NOTICE OF ANIMAL TRAPPING OR EXTERMINATION SERVICES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the Mayor and City Commission approved a referral (Item C4 P) to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) to discuss the proposed amendment for Section 58-298, entitled Responsibilities of Owners and Occupants, to add subsection (r) to require owners and occupants within the City of Miami Beach to provide notice to surrounding neighbors of an impending planned animal trapping or extermination services, enabling these neighbors to protect their own pets from unintended harm resulting from the trapping or extermination services.

On January 29, 2025, the item was discussed and forwarded to the full City Commission with a favorable recommendation.

### **ANALYSIS**

The proposed ordinance amendment falls under Chapter 58 Article III Property Maintenance Standards. Violations cited under Section 58-298 do not have an immediate penalty, but rather, are scheduled before the Special Magistrate. Specifically, a Code Compliance Officer will provide notice to the person responsible for such violation, cease the trapping or extermination services immediately, outline the course of remedial action, and ensure compliance is obtained. If the violation is not corrected, the Code Compliance Officer will execute an Affidavit of Non-Compliance and escalate the violation to the Special Magistrate Office to schedule a hearing. The Special Magistrate will then review the violation and determine the corrective action and penalty.

The Code Compliance Department envisions that these types of cases will be complaint-driven and/or referrals from Public Work's Cat Program staff.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

City Attorney

### **Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

### **Co-sponsor(s)**

### **Condensed Title**

10:25 a.m. 1st Rdg PH, Provide Notice of Trapping/Extermination Services. (KRG) CA

### **Previous Action (For City Clerk Use Only)**

Not reached on 3/19/2025 - R5 M