

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Ricardo J. Dopico, City Attorney

DATE: December 11, 2024 **Second Reading**

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 TAKE MEASURES TO PROTECT ANIMALS ON THE PROPERTY; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

On December 13, 2023, the Mayor and City Commission approved the referral of item C4 K to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC or the Committee) for a discussion regarding the humane removal of animals from crawl spaces prior to fumigation tenting. The item, sponsored by Commissioner Laura Dominguez, and subsequently co-sponsored by Vice Mayor Bhatt and Commissioners Fernandez and Suarez, considered the recommendation made by the City's Animal Welfare Committee at its January 17, 2023, meeting, regarding the need for more humane treatment of animals residing in crawl spaces, particularly before the closure of such spaces and/or fumigation activities.

### **ANALYSIS**

In accordance with Article III, Chapter 8, Section 58-298 of the Miami Beach City Code, owners of houses and buildings within the City are responsible for the extermination of any insects, termites, and other insects that destroy the structure of the building, rodents or other pests in the building or on the premises, including public spaces of the building and outside premises. However, the City Code currently does not prescribe protocols for the humane removal of animals from crawl spaces prior to the closure of such spaces due to tenting fumigation activities on the premises (or to comply with City Code requirement that all open crawl spaces be closed to prevent animals from gaining access under the building).

On February 14, 2024, the PSNQLC discussed the item. The Committee unanimously recommended in favor of requiring owners to post conspicuous signage prior to fumigation tenting or other notification as forth by the City. Additionally, the Committee recommended that owners install one-way animal doors on crawl spaces to ensure the humane removal of animals that would otherwise be trapped.

Accordingly, the proposed Ordinance was proposed on first reading to include requirements under Section 58-298 (h), entitled "Responsibilities of Owners and Occupants", to ensure the safe removal of animals and/or mitigate animal entrapments, as follows:

- (1) All owners of houses and buildings within the City shall prominently display signage two (2) weeks prior to tenting the structure for the extermination of insects and other pests.
- (2) All owners of houses and buildings within the city install one-way doors on crawl or void spaces of the structure for the humane removal of animals.

The Ordinance was amended for second reading to slightly modify the requirements as follows:

- 1) All owners of houses and buildings within the city shall humanely remove any animals that may be living in the crawlspace before closing the crawlspace to comply with any law or ordinance or prior to tenting the structure for the extermination of insects and other pests.
- (2) All owners of houses and buildings within the city shall install one-way doors on crawl or void spaces of the structure for the humane escape of animals for a period of fourteen days prior to installing permanent screening or lattice work pursuant to Code Sec. 58-292(f), if the homeowner was not in compliance with Sec. 58-292(f) because an opening was allowing to exist without the required cover, or if the covering is removed for any reason, in order to allow animals under the structure to escape before the opening is permanently sealed.

### **FISCAL IMPACT STATEMENT**

N/A

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

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

### **CONCLUSION**

#### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?** **Is this item related to a G.O. Bond Project?**

Yes

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’s Office

#### **Sponsor(s)**

Commissioner Laura Dominguez

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

Vice Mayor Tanya K. Bhatt  
Commissioner Alex J. Fernandez  
Commissioner David Suarez