

ORDINANCE NO. _____

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.

WHEREAS, currently, Section 58-298(h) of the Code of the City of Miami Beach requires all owners of houses and buildings within the city shall be 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; and

WHEREAS, as such, currently there are no protocols for the humane removal of animals in crawl spaces prior to the closure of such spaces and/or fumigation activities on the premises; and

WHEREAS, on February 14, 2024, the Public Safety and Neighborhood Quality of Life Committee, unanimously recommended in favor of legislation requiring homeowners / property managers to post signage two (2) weeks prior to tenting and fumigation of the premises; and further requiring the installation of one-way animal doors on crawl spaces to ensure the humane removal of animals and legislation to protect animals who may otherwise be trapped during a fumigation; and

WHEREAS, the Mayor and City Commission determined that it is in the best interest of the City to amend Section 58-298 to require owners of houses and buildings within the City to ~~place signage prior two (2) weeks prior to tenting for extermination of insects and other pests; and further,~~ temporarily install one-way animal doors on crawl spaces and humanely remove any animals living under the building before sealing the building for fumigation or any other reason.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 58-298 of Article III, of Chapter 58 of the City Code, entitled "Responsibilities of Owners and Occupants," is hereby amended as follows:

CHAPTER 58

HOUSING

* * *

ARTICLE III. PROPERTY MAINTENANCE STANDARDS

* * *

Sec. 58-298. Responsibilities of owners and occupants.

(h) Every occupant of a building containing a single dwelling on any premises shall be responsible for the extermination of any insects, rodents, vermin or other pests in the building or on the premises; however, the extermination of termites, and other insects that destroy the structure of the building, shall be the sole responsibility of the owner. If there is more than one unit in a building, whether owned by individual or multiple owners, including condominiums, co-operatives, townhouses, duplexes and similar structures, the owner shall be responsible for the extermination of all 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. The exterminator shall be permitted reasonable access to any building during daylight hours, except for fumigation and like work for extermination of structural infestation, in which case access for a reasonable amount of time necessary for such work shall be permitted by the occupant and owner. The owner shall be responsible for adequate substitute sleeping facilities of all occupants during the period of extermination for termites or structural infestation.

(1) All owners of houses and buildings within the city shall ~~prominently display signage two (2) weeks~~ 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.

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SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after passage.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez;
cosponsored by Vice Mayor Tanya K. Bhatt, Commissioner Alex J. Fernandez,
and Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RR*

12/9/2024

Date