

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 9:15 a.m. Second 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 TAKE MEASURES TO PROTECT ANIMALS ON THE PROPERTY; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the Amendment to Chapter 58, Section 58-298 of the Miami Beach City Code.

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 Dominguez, and subsequently co-sponsored by Commissioner Bhatt and Commissioner Suarez, considers 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 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. 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.

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 for owners to install one-way animal doors on crawl spaces to ensure the humane removal of animals that would otherwise be trapped.

Accordingly, the Administration evaluated the existing Ordinance which may be amended to include the following requirements under Section 58-298 (h), entitled "Responsibilities of Owners

and Occupants.” These provisions would ensure the safe removal of animals and/or mitigate animal entrapments:

- (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.

Between first and second reading, the sponsor amended the proposed ordinance to remove the requirement that a sign be posted two weeks prior to fumigation and the requirement of the installation of one-way doors on crawlspaces prior to fumigation. The proposed ordinance, on second reading, now requires only that property owners humanely remove any animals living in the crawlspace of the structure before closing the crawlspace prior to fumigation. The amended Ordinance shall be implemented upon adoption by the Mayor and City Commission.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/12/2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends an amendment to 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 owners of houses and buildings of the City to place signage two (2) weeks prior to tenting fumigation; and further, installing one-way animal doors on crawl spaces.

Applicable Area

Citywide

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

Yes

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 Laura Dominguez

Co-sponsor(s)

Commissioner David Suarez
Commissioner Tanya K. Bhatt
Commissioner Alex Fernandez

Condensed Title

9:15 a.m. 2nd Rdg, Animals in Crawl Spaces. (Dominguez/Suarez/Bhatt/Fernandez) CA