

R5 M 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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: March 19, 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)

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 PROVIDE NOTICE OF ANIMAL TRAPPING OR EXTERMINATION SERVICES; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, currently, Section 58-298 governs the responsibilities of owners and occupants of buildings in the City of Miami Beach, including management of animals, pets, and pests; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the City to amend Section 58-298 to add subsection (r) to require owners of houses and buildings within the City to provide notice to surrounding neighbors of an impending planned animal trapping or extermination services so that these neighbors may take steps to protect their own pets from unintended harm resulting from the trapping or extermination services.

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.

* * *

(r) All owners of houses and buildings within the city shall provide notice by hand-delivery or U.S. Mail to every residence within 500 feet at least three (3) days prior to any planned animal trapping or extermination service at the house or building so that these neighbors may take steps to protect their own pets from unintended harm resulting from the trapping or extermination services.

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 Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/31/2024

Date

PR