

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, SECTION 19-9 DOMESTIC ANIMALS, ALLOWING FOR A PERMITTED USE OF VILLAGE PARKS BY DOMESTIC ANIMALS AND TO PROHIBIT THE PROPERTY AT 530 CRANDON BOULEVARD FROM BEING USED BY DOMESTIC ANIMALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, on July 17, 2014, pursuant to Section 5.02(a)(i) of the Village Charter, Village electors filed an initiative amended petition proposing an ordinance, which modifies Section 19-9 of the Village Code of Ordinances (the “Village Code”); and

WHEREAS, pursuant to Section 5.02(e)(i) of the Village Charter, when an initiative petition has been finally determined sufficient, the Village Council shall promptly consider the proposed initiative ordinance; and

WHEREAS, on July 23, 2014, the Village Clerk certified that the initiative amended petition was sufficient; and

WHEREAS, the Village Council desires to consider the proposed ordinance proposed by the Village electors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. Recitals. That the above stated recitals are hereby confirmed and adopted.

Section 2. Amendment of Chapter 19. That Chapter 19 of the Code of Key Biscayne, Florida, is hereby amended as follows:

Section 19-9. Domestic animals.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. Changes between first and second reading are indicated with highlight.

No person shall be permitted to take any domestic animal into any park whether on leash, in arms or running at large, dogs in particular being excluded, and provisions of Metropolitan Dade County Dog Control Ordinance No. 58-28 [Sections 5-3 – 5-15] shall apply to any and all park property, except for those areas specifically designated for use by dogs or other domesticated animals. Furthermore any area on the property located at 530 Crandon Boulevard shall be prohibited from being designated for the use by dogs or other domesticated animals. The provisions of this section shall not apply to the use of a service animal, which means any dog guide or other animal individually trained to work or perform tasks for an individual with a disability.

Section 3. **Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this ____ day of _____, 2014.

PASSED AND ADOPTED on second reading this ____ day of _____, 2014.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY