

ORDINANCE NO. 2016-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 19, SECTION 19-9, ENTITLED "DOMESTIC ANIMALS," ALLOWING DOGS AND OTHER DOMESTIC ANIMALS WITHIN DESIGNATED VILLAGE PARKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne, Florida ("Village Council") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, the Village Council desires to update the Code to clarify when any person may take a domestic animal into a Village park; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the Village, notifying the public of this proposed ordinance and of the public hearings; and

WHEREAS, two (2) public hearings before the Village Council were held pursuant to the published notice described above.

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 recitals are true and correct and incorporated herein by this reference.

¹ 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**.

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.

No person shall be permitted to take any domestic animal (including dogs) into any Village park whether on leash, in arms or running at large, except into those parks or areas within parks specifically designated by the Village Council for dogs or other domestic animals. The provisions of this section shall not apply to: (1) the use of a service animal, which means any dog guide or other animal individually trained and certified to work or perform tasks for an individual with a disability; or (2) the use of an emotional support or psychiatric assist animal if proper documentation is provided to the Village from a licensed mental health care professional.

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Section 3. 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 4. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading this 28th day of June, 2016.

PASSED AND ADOPTED on second reading this _____ day of _____, 2016.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY