

ORDINANCE NO. 2016-8

**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:

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 1. Recitals. That the above recitals are true and correct and incorporated herein by this reference.

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.

* * * *

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 30th day of August, 2016.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


VILLAGE ATTORNEY

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared OCTELMA V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

**PUBLIC NOTICE
VILLAGE OF KEY BISCAYNE - MEETING - "DOMESTIC ANIMALS," - AUGUST 30, 2016**

in the XXXX Court,
was published in said newspaper in the issues of

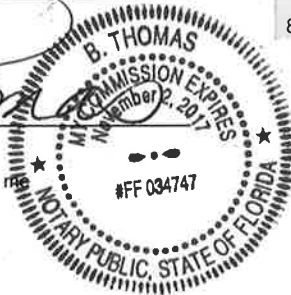
08/18/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
18 day of AUGUST, A.D. 2016

(SEAL)

OCTELMA V. FERBEYRE personally known to me



VILLAGE OF KEY BISCAYNE

**OFFICE OF THE VILLAGE CLERK
PUBLIC NOTICE**

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a Meeting to be held on Tuesday, August 30, 2016 at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

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.

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Conchita H. Alvarez, MMC
Village Clerk

8/18

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