

ORDINANCE NO. 2004-1

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 8 "ENVIRONMENT", CREATING ARTICLE IV "SANITARY CONDITIONS REQUIRED", CONSISTING OF SECTION 8-201 "REMOVAL OF ANIMAL FECES", TO REQUIRE THE REMOVAL AND DISPOSAL OF ANIMAL FECAL MATTER; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Code Amended.** That the Village Code of the Village of Key Biscayne, Florida, is hereby amended by amending Chapter 8 "Environment," by creating Article IV "Sanitary Conditions Required" consisting of Section 8-201 "Removal of Animal Feces," to read as follows:

ARTICLE IV SANITARY CONDITIONS REQUIRED.

Section 8-201. **Removal of Animal Feces.**

(a) Any person owning, possessing, harboring or having the care, charge, control or custody of any animal shall immediately remove and thereafter dispose of any fecal matter deposited by the animal on public or private property within the Village (other than upon the property of the owner of the animal) unless the owner or person in lawful possession of the property has consented to such deposit. For the purpose of compliance with this section, animal fecal matter shall be immediately removed by placing the matter in a closed or sealed container and thereafter disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit, or other closed or sealed container.

(b) This section shall not apply to blind persons accompanied by a dog used for their assistance in accordance with law.

Section 2. **Severability.** That 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 3. **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. **Penalty.** Any person who violates any provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed sixty (60) days or both such fine and imprisonment, except that the fine for the first such violation by a person shall not exceed \$100.00. Each day that a violation continues shall be deemed a separate violation. This Ordinance shall also be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, F.S., as amended, and Section 2-31, et. seq. of the Village Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

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

PASSED AND ADOPTED on first reading this 2nd day of December, 2003.

PASSED AND ADOPTED on second reading this 13th day of January, 2004.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

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