Condensed Title:

An Ordinance amending Chapter 10 of the Miami Beach City Code entitled "Animals" by amending Section 10-10, entitled "Animals Prohibited In Public Parks And On Beaches" by providing that the City Manager may designate Dog Parks in public park areas and amending Section 10-11, entitled "Running At Large Prohibited" by providing that the City Commission may designate a specific off-leash area for dogs in South Pointe Park. **SECOND READING PUBLIC HEARING**

Key Intended Outcome Supported:

Increase Satisfaction with Recreational Programs

Supporting Data (Surveys, Environmental Scan, etc.) Nearly two-fifths of all respondents, 37.3%, feel the "18 year of age and under" demographic should benefit most from limited resources during tough economic times, while nearly as many respondents selected programs for 19-64 should be benefit (36.6%) and 26.1% reported the "65 years of age or older" demographic should benefit most.

issue:

Shall the Mayor and City Commission amend Chapter 10 of the Miami Beach City Code as proposed?

Item Summary/Recommendation:

At the January 28, 2009, Commission meeting, the Administration requested the matter of dogs off leash in City parks and other public properties in general, be referred to the Neighborhoods/ Community Affairs Committee for discussion. Subsequently, there were on-going discussions at the Committee meetings concerning this issue. A discussion concerning the establishment of a dog park and off-leash hours in South Pointe Park was held at the June 3, 2009, Commission meeting. Following a discussion two motions were adopted. The motions directed the Administration to make a permanent dog park at 2nd and Washington Avenue, and to establish off-leash hours, in South Pointe Park, before 9:00 A.M., in the triangular area where the Iceberg artwork was to be sited. This was subject to the County's amendment of the related County ordinance and based on a six month trial period, with an interim report after three months to be provided to the Commission by the Administration. Additionally, at the July 15, 2009 meeting the Commission adopted the Ordinance amendments on first reading. Subsequent to the first reading of the ordinance amendment at the City Commission meeting on July 15, 2009, the County advised the City that the requested draft ordinance amendment is complete. The proposed amendment is scheduled for first reading by the County Commission in September, with a second and final reading planned for either October or November 2009.

Based on the requirement that Miami-Dade County amend their related ordinance prior to the City's second and final reading to amend our ordinance, it is recommended that the Commission Open and continue the Public Hearing until the City Commission Meeting of December 9, 2009.

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Funds:	1			
OBPI				

Department Director	Assistant City Manager	City Manager	
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Kevin Smith, Parks & Recreation Director

AGENDA ITEM RSA



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO:

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

Jorge M. Gonzalez, City Manager (

DATE:

September 9, 2009

SECOND READING

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE ENTITLED "ANIMALS," BY AMENDING SECTION 10-10, ENTITLED "ANIMALS" PROHIBITED IN PUBLIC PARKS AND ON BEACHES" BY CLARIFYING THAT THE CITY MANAGER MAY DESIGNATE ENCLOSED DOG PARKS IN PUBLIC PARK AREAS; AMENDING SECTION 10-11, ENTITLED "RUNNING AT LARGE PROHIBITED" BY PROVIDING THAT THE CITY COMMISSION MAY DESIGNATE A SPECIFIC OFF-LEASH AREA FOR DOGS IN SOUTH POINTE PARK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Open and continue the Public Hearing until the City Commission Meeting of December 9, 2009.

KEY INTENDED OUTCOME SUPPORTED

Increase Satisfaction with Recreational Programs

BACKGROUND

At the January 28, 2009, Commission meeting, the Administration requested the matter of dogs off-leash in City parks and other public properties in general, be referred to the Neighborhoods/Community Affairs Committee for discussion. Subsequently, there were on-going discussions at the Neighborhoods/ Community Affairs Committee meetings concerning this issue.

The most recent discussion concerning the establishment of a dog park and off-leash hours in South Pointe Park was held at the June 3, 2009 Commission meeting. Following the discussion of the Commission, Administration, and interested residents, two motions were adopted. The motions directed the Administration to develop a permanent dog park at 2nd and Washington Avenue and to appropriate the funds for its construction; and a second approved the establishment of morning off-leash hours only in a specific unenclosed area of South Pointe Park located in the triangular area where the public art will be sited (south and west of the Washington Avenue entry plaza). This designation is subject to the County amending their Code to permit such a designation. The off-leash hours will be from park opening (sunrise) to 9am. It was further approved that the morning off-leash program would be offered only for a six-month trial basis, with an interim report to the Commission by the Administration after three months.

STATUS OF COUNTY CODE AMENDMENT

Following the June 3, 2009, Commission directive, city staff immediately initiated the process to amend the County Code. Staff (Hilda M. Fernandez, Jose Smith, Debora Turner and Kevin Smith) promptly initiated dialogue with representatives from Miami-Dade County Parks Department for direction on the best manner to proceed and the action steps necessary to amend the relevant section(s) of the County Code to allow the City to permit dogs off-leash in parks, in addition to permitting dogs in designated/

enclosed areas (fenced dog parks). At the County Parks Department's direction, we were referred to Dr. Sara Pizano, Animal Services Director, as the amendment to Code to permit this activity falls within her purview.

A conference call was held on June 18, 2009, with the above City and County staff to discuss the process and timeline to accomplish the County Code amendment. The City shared proposed amendment language with the County, and the County staff indicated that they would work with the City to move the amendment process forward to their Commission for consideration. Dr. Pizano said she would prepare the amendment. She also stated that there were other portions of that particular section of the County Code that she wanted to address and she would do so at the same time.

The Assistant County Attorney explained that the amendment process would require the legislation amending the Section to be presented to the County Commission for a first reading. It would then need to go to a Commission sub-committee for discussion, and then back to the full County Commission for the second and final reading and approval. According to Dr. Pizano, the earliest this process could be accomplished would be October, and more likely November, assuming there were no objections to the amendment in the process.

In anticipation of Miami-Dade County amending Section 5-20 in their County Code, the City Administration and City Attorney's Office began drafting corresponding amendments to the City's Code, as set forth herein, providing for the City Commission's designation of dog parks in public park areas, and also enabling the Commission to designate a specific area of South Pointe Park as an off-leash area for dogs, subject to the County amending the portions of their Code that regulates such activity.

Subsequent to the first reading of the ordinance amendment at the City Commission meeting on July 15, 2009, the County advised the City that the requested draft ordinance amendment is complete. The proposed amendment is scheduled for first reading by the County Commission in September, with a second and final reading planned for either October or November 2009.

PROPOSED AMENDMENTS

As referenced in the attached proposed amendment, there are two sections of Chapter 10, Section 10-10 of the Miami Beach City Code that are proposed to be amended for purposes of permitting dogs off-leash in an unenclosed area of South Pointe Park (Section 10-11), as well as further clarifying the designation of dog parks in a public park (Section 10-10).

STATUS OF DOG PARK AT WASHINGTON AVENUE/2ND STREET

Concurrent with the process to amend County Code, staff has proceeded on the implementation of the approved enclosed dog park at Washington Avenue and 2nd Street. The Parks Department's landscape architect developed a preliminary concept plan for the site to begin the planning process for the park. Staff held a meeting with the interested members of the RDO (Responsible Dog Owners) on June 26, 2009, to obtain their input and comments as to this preliminary design for the proposed dog park. As a result of this meeting, the Administration is working on revisions to the dog park's original concept design, and the RDO members are working on identifying potential designs and costs for a water feature for the park, as well as researching potential fundraising activities to assist in off-setting the costs for this water feature and other features they have identified they would prefer in the park, but that were not included in the budget appropriation approved by the City Commission.

FISCAL IMPACT STATEMENT

Costs associated with maintaining an off-leash area are estimated at approximately \$2,200 annually, assuming that off-leash dogs are contained to the area that is designated for this purpose. This estimate includes the cost of turf replacement (as needed); pest control; and additional doggie bags anticipated to be needed due to increase use of the park.

CONCLUSION

The Administration recommends that the Commission open and continue the Public Hearing until the City Commission Meeting of December 9, 2009, to allow for the completion of the County legislative process to amend Section 5-20 of its Code, providing enabling language.

JMG/RCM/KS

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ORDINANCE	NO.		

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE MIAMI BEACH CITY CODE ENTITLED "ANIMALS," BY AMENDING SECTION 10-10, ENTITLED "ANIMALS PROHIBITED IN PUBLIC PARKS AND ON BEACHES" BY CLARIFYING THAT THE CITY MANAGER MAY DESIGNATE ENCLOSED DOG PARKS IN PUBLIC PARK AREAS; AMENDING SECTION 10-11, ENTITLED "RUNNING AT LARGE PROHIBITED" BY PROVIDING THAT THE CITY COMMISSION MAY DESIGNATE A SPECIFIC OFF-LEASH AREA FOR DOGS IN SOUTH POINTE PARK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, at the January 28, 2009, Commission meeting, the Administration requested the matter of dogs off-leash in City parks and other public properties in general, be referred to the Neighborhoods/ Community Affairs Committee for discussion; and

WHEREAS, subsequently, there were on-going discussions at the Neighborhoods/ Community Affairs Committee meetings concerning this issue; and

WHEREAS, the most recent discussion concerning the establishment of a dog park and off-leash hours in South Pointe Park was held at the June 3, 2009 Commission meeting and, following discussion by the Commission, Administration, and interested residents, two motions were adopted; and

WHEREAS, the motions directed the Administration to make a permanent dog park at 2nd and Washington Avenue, to appropriate the funds for its construction, and to establish morning off-leash hours before 9:00 A.M. in the triangular area south and west of the Washington Avenue entry plaza (where the Iceberg artwork was to be sited) in South Pointe Park; and

WHEREAS, the off-leash hours would be subject to the County's approval (amendment of the related County ordinance) and based on a six month trial period, with an interim report to the Commission by the Administration after three months; and

WHEREAS, as instructed, a conference call was held on June 18, 2009, between City Administration and Legal staff and representatives from Miami-Dade County's Administrative and Legal staff to determine the action steps necessary to amend the relevant section(s) of the County Code to allow the City to permit dogs off-leash in parks; and

WHEREAS, the County Attorney explained that the process would require amending Section 5-20 of the County Code, which amendments could be presented to the County Commission for a first reading. Thereafter, the proposed amendments would need to go to a sub-committee for discussion, and then back to the full County Commission for a second final reading and approval; and

WHEREAS, according to County Staff, the earliest the County Code amendments could be adopted would be October and more likely November, assuming there were no objections to the amendments in the process; and

WHEREAS, in anticipation of Miami-Dade County amending Section 5-20 in their County Code, the City Administration and Legal Department began drafting corresponding amendments to the City's Code, as set forth herein, clarifying the City Manager's authority to designate enclosed dog parks in public park areas and enabling the City Commission to designate a specific area of South Pointe Park as an off-leash area for dogs, subject to the County Code amendment.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1.

That Chapter 10, Section 10-10 of the Miami Beach City Code is hereby amended as follows:

Sec. 10-10. Animals prohibited in public parks and on beaches.

It shall be prohibited for any person to take any animal into, or to keep any animal in or upon, any public park or public beach in the city, except for <u>enclosed public park</u> areas reasonably specifically designated <u>for dogs</u> by the city manager. Animals under the custody and control of a law enforcement officer and service dogs accompanying a disabled person are excluded from this section.

SECTION 2.

That Chapter 10, Section 10-11 of the Miami Beach City Code is hereby amended as follows:

Sec. 10-11. Running at large prohibited.

It shall be prohibited for the owner or person in control of any animal to permit the animal to run at large. All animals, when not on the premises of their owner or of the person in control, must be on a leash or contained in a carrier device and under the control of a competent person, except that in South Pointe Park, in the triangular area south and west of the Washington Avenue entry plaza, dogs may be off-leash from sunrise to 9:00 a.m., or during such other hours as may be specifically designated by a resolution of the city commission after a public hearing.

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, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. 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 a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.	
This Ordinance shall take effect the day of,	2009.
PASSED and ADOPTED this day of,	2009.
ATTEST:	
MATTI HERRERA BOWE MAYOR	R
ROBERT PARCHER, CITY CLERK	

the dal

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

<u>Underline</u> denotes additions and strike through denotes deletions



CITY OF MIAMI BEACH **NOTICE OF PUBLIC HEARINGS**

*NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, September 9, 2009, to consider the following:

10:20 a.m.

An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," by Amending Section 10-10, Entitled "Animals Prohibited in Public Parks And On Beaches" By Providing That The City Commission May Designate Dog Parks In Public Park Areas; Amending Section 10-11, Entitled "Running At Large Prohibited" By Providing That The City Commission May Designate Specific Off-Leash Areas For Dogs In Public Parks.

inquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending Chapter 30, Entitled "Code Enforcement," By Amending Article III Thereof, Entitled "Enforcement Procedure," By Amending Section 30-74, Entitled "Fine," By Amending The Provisions Relating To The Mitigation Of Fines; By Amending Section 30-76, Entitled "Rehearings; Mitigation," By Increasing The Time Period For The Jurisdiction Of The Special Master For The Mitigation Of Fines To Three Years And Providing Criteria Relative To Fine Mitigation.

inquiries may be directed to the City Manager's Office at (305) 673-7010.

900 n.m.

Am-Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Section 2-458 Thereof Entitled "Supplemental Abstention And Disciosure Requirements" By Requiring Public Officers To Elisciose Compensation Received By Public Officer And/Or Public Officer's Employer Or Firm Related To Subject Conflicting Relationship, Said Disclosures To Be Made From Three Years Preceding Original Date Of Election/Appointment Of Public Officer.

sinquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending in Part Miami Beach City Code Chapter 2, Article VII, Division 5-Entitled "Campalgn Finance Reform," Sections 2-487 Through And Including 2-490, By Prohibiting "Vendors" And "Real Estate Developers" From Soliciting Campaign Contributions For Candidates For The Office Of Mayor Or Commissioner, Expanding Upon The Definitions Of "Vendor" And "Real Estate "Developer" And Conforming As Housekeeping Matter Certain Language To Existing Text.

Ingulries may be directed to the City Attorney's Office at (305) 673-7470.

-Applordinance Amending Miami Beach City Code Chapter 2, Article Vij, Division 5 Entitled "Campaign Finance Reform," By Adding Thereto Section 2-491 Entitled "Prohibited Lobbying By Campaign Gensultants," Prohibiting Campaign Consultants-And Certain-Affiliated Persons Or Entities From Lobbying City Commission For 12 Months Subsequent To Swearing in Of Subject Elected Official(s), Establishing Definitions, Limited Exemption And Disclosure/Abstention Requirements.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

Air Ordinance Amending Miami Beach City Code Chapter 2, Article IV, Division 1, Section 2-194 Thereof Entitled "Removal From Office", By Limiting Grounds For Suspension/Removal To Those "Specified Offenses" Set Forth Within Florida Statute Section 112.3173 (As Amended), And Establishing Procedure Prior To Suspension/Removal

inquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2, Section 2-458 Thereof, Entitled "Supplemental Abstention And Disclosure Requirements", Establishing Additional Disclosure Requirements For Public Officials Of Any Family Or Business Relationship With Party Who is Directly Benefitted By Agency Vote.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2, Section 2-450 Thereof Entitled "Disclosure Of Interest In/Relationship With Business Entity," By Requiring Elected Official's Disclosure Of Certain Business Relationships Established Within 24 Months After Contracting Party's Appearance Before City Commission.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-462 Entitled "Prohibiting Elected Officials From Having Certain Post-Service Contracts With City", Prohibiting Former City Elected Officials From City Employment Or Contracts On Matters in Which City Commission Approval is Required.

Inquiries may be directed to the City'Attorney's Office at (305) 673-7470.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof By Creating Section 2-463 Entitled "Prohibition Of Certain Post-Service/Employment Relationships", Prohibiting Certain Post-Service/Employment Activity Of City Elected Officials And City Employees For A Period Of Two Years After Leaving City Service/Employment.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

8:00 n m

An Ordinance Amending-In-Part Miami Beach City_Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform," Sections 2-487 "Prohibited Campaign Contributions By Vendors," 2-488 "Prohibited Campaign Contributions By Lobbyists On Procurement Issues," 2-489 "Prohibited Campaign Contributions By Real Estate Developers," And 2-490 "Prohibited Campaign Contributions-By Lobbyists On Real Estate Development Issues," By Prohibiting Campaign Contributions From Vendors, Real Estate Developers And Their Respective Lobbyists To Candidate/ Incumbent Members Of The City Commission Seeking Any Non-Federal Elected Office.

Inquiries may be directed to the City Attorney's Office at (305) 673-7470.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II "District Regulations," Division 18 "PS Performance Standard District," Amending Section 142-693 "Permitted Uses," By Restricting Or Prohibiting Commercial Rooftop Venues South Of 5" Street.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miarhi Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

> Robert E. Parcher, City Clerk City of Miami Beach

Persuant to Section 286:0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 71 1.(Florida Relay Service). Ad #553