ORDINANCE NO. 1378

AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DELETING ALL REFERENCES TO THE PROHIBITION AND VIOLATION OF THE SELLING, PURCHASING, ACQUIRING OR MAINTAINING PIT BULLS WITHIN THE BORDERS OF THE CITY OF NORTH MIAMI AND THEREBY REPEALING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL," AT ARTICLE II, ENTITLED "DOG CONTROL" SPECIFICALLY AT SECTION 4-27, ENTITLED "PIT BULL DOGS PROHIBITED"; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, in Ordinance Number 1250, adopted in 2008, the City of North Miami ("City") adopted a pit bull ban that referenced the ban placed by Miami-Dade County and provided that the City Ordinance was subordinate to the County law; and

WHEREAS, Florida State Statute Section 767.14, prohibits local governments from adopting legislation after October 1, 1990, that regulates dog control specific to breeds; and

WHEREAS, the Miami-Dade County Code of Ordinances ("County Code") banning pit bulls was adopted on April 4, 1989, which preceded the State law 1990 cutoff date; and

WHEREAS, the City Ordinance although adopted after 1990 relies on the County Code; and

WHEREAS, because of the State and County laws as well as the inability for the City to make determinations about pit bull classifications, any suspected case is referred to Miami-Dade County and not enforced by the City; and

WHEREAS, in the November 2014, County wide election, the voters decided to keep the pit bull ban in place; and

WHEREAS, the City Council desires to repeal the City Ordinance and remove all references related to the enforcement of a pit bull ban in the City of North Miami.

NOW, THEREFORE, BE IT ORDAINED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. **Repeal.** Chapter 4 of the City Code of Ordinances, entitled "Animal Control," at Article II entitled "Dog Control" and Section 4-27, entitled "Pit bull dogs prohibited" is hereby REPEALED as follows:

~~**Sec. 4-27. Pit bull dogs prohibited.**~~

~~**(a) Pursuant to Miami-Dade County regulations, no pit bull dogs may be sold, purchased, obtained, brought into the city, or otherwise acquired by residents of the city. No such newly-acquired pit bull dog may be kept, maintained, or otherwise harbored within the city, and each day any such newly-acquired pit bull dog is so kept, maintained, or harbored shall constitute a separate violation of this section.**~~

~~**(b) Upon the written complaint of any person that a person owns or is keeping or is harboring a pit bull dog on premises in the city, the animal control officer may cause the matter to be investigated. If after investigation, the facts indicate that such person, named in the complaint, is in fact the owner or is keeping or harboring any such pit bull dog in the city, the animal control officer shall send written notice to such person, requiring such person to remove the animal from the city limits within three (3) days of the date of the notice.**~~

~~**(c) Nothing in this section shall be construed to be in conflict with Miami-Dade County Code regulating pit bull dogs.**~~

~~**(d) A violation of this section may result in the issuance of a civil ticket or citation, and the impoundment of the pit bull dog. In addition, the city manager or designee may apply to a court of competent jurisdiction for the humane destruction of the pit bull dog, pursuant to this section.**~~

~~**(Ord. No. 1250, § 1, 2-26-08)**~~

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

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. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon

adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on first reading this 23rd day of September, 2014.

PASSED AND ADOPTED by a 4-0 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on second reading this 23rd day of September, 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: COUNCILPERSON SCOTT GALVIN

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime	X (Yes)	____ (No)
Councilperson Scott Galvin	X (Yes)	____ (No)
Councilperson Carol Keys, Esq.	X (Yes)	____ (No)
Councilperson Marie Erlande Steril	X (Yes)	____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.