

ORDINANCE NO. 93-01

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CHAPTER 4, ANIMALS AND FOWLS BY ADDING SECTIONS 4-6, 4-7 AND 4-8; PROVIDING THAT NO PERSON SHALL KILL ANY DOGS, CATS, GOATS, LAMBS, PIGS, HOGS, HORSES, SHEEP AND ANY AND ALL OTHER ANIMALS, CHICKENS, ROOSTERS, BIRDS AND ANY AND ALL OTHER FOWLS, PROVIDING THAT NO PERSON SHALL DISPOSE OF ANY REMAINS OF ANY SUCH ANIMALS OR FOWLS EXCEPT AS PROVIDED IN CHAPTER 8 OF THE CITY CODE; PROVIDING EXCEPTIONS BY VETERINARIANS AND GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that killing and disposing of dogs, cats, goats, lambs, pigs, hogs, horses, sheep and any and all other animals, chickens, roosters, birds and any and all other fowls, within the City has caused and is causing extraordinary police enforcement activities, unsanitary conditions, disposal difficulties, health hazards which are detrimental to public health, safety, and general welfare, causing disturbances, complaints and public nuisances;

WHEREAS, the City Commission has determined by reason thereof that there is a need for prohibition of such acts of killing and disposing of dogs, cats, goats, lambs, pigs, hogs, horses, sheep and any and all other animals, chickens, roosters, birds and any and all other fowls.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. Chapter 4 of the West Miami Code be and is hereby amended by adding Section 4-6 as follows:

Section 4-6. Killing Of Animals and Fowls Prohibited.

No person shall kill any dogs, cats, goats, lambs, pigs, hogs, horses, sheep and any and all other animals, chickens, roosters, birds and any and all other fowls within the limits of the City.

Section 2. Chapter 4 of the West Miami Code being is hereby amended by adding Section 4-7 as follows:

Section 4-7. Disposal Of Remains Of Animals And Fowls.

No person shall dispose of any remains of any dogs, cats, goats, lambs, pigs, hogs, horses, sheep and any and all other animals, chickens, roosters, birds and any and all other fowls upon the streets, sidewalks, or any other property, public or private within the City, except as lawfully provided by Chapter 8, GARBAGE AND TRASH, of the City Code.

Section 3. Chapter 4 of the West Miami Code being is hereby amended by adding Section 4-8 as follows:

Section 4-8. Exceptions.

Nothing in this Ordinance shall be applicable to the authorized killing and disposal of animals and fowls by duly licensed Veterinarians authorized to practice in the State of Florida or by any governmental agency authorized by law contrary to this Ordinance.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 6. Any person violating the provisions of this ordinance shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than sixty (60) days, or shall be both fined and imprisoned, in the discretion of the court. Each day that such violation shall continue shall constitute a separate offense.

Section 7. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the West Miami Code; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section, article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 15<sup>th</sup> day of Sept., 1993.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY CLERK

Approved as to form and sufficiency

  
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CITY ATTORNEY

Roll Call Vote:

Mayor Diaz-Padron absent.

Vice Mayor Trigo Y

Commissioner Sosa Y

Commissioner Herbert Y

Commissioner Bonich Y

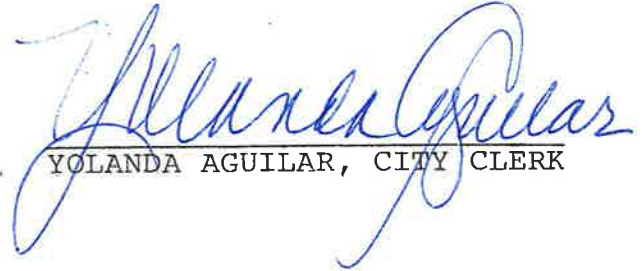
Date of 1st reading: 9/2/93

Date of Publication: 8/25/93

Date of 2nd reading: 9/15/93

I, Yolanda Aguilar, City Clerk of the City of West Miami, Florida, do hereby certify that the above is a true and correct copy of ORDINANCE # 93-01, passed and adopted by the City Commission of the City of West Miami, Florida, on September 15, 1993.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed the seal of the City of West Miami, Florida, this 15th day of September, 19 93.

  
YOLANDA AGUILAR, CITY CLERK