

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, RELATING TO SIGNS AND ADVERTISING; REVISING CHAPTER 4, ANIMALS, AND ADOPTING A NEW SECTION _ OF CHAPTER 4, AS PROVIDED HEREIN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, dangerous dogs are an increasingly serious threat to the safety and welfare of the people of El Portal because of unprovoked attacks, which cause injury and death to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine and properly leash and control their dogs; that existing Village Laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for the owners of such dogs; and

WHEREAS, any dog that, according to the records of the appropriate authority, has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property, as the term "severe injury" means any physical injury that results in broken bones, multiple bites, or serious and noticeable lacerations;

has, at least once, severely injured or killed a domestic animal while off the owner's property, as the term "owner" means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian, an owners of dogs shall be liable for any damage done by their dogs to a person or to any animal who has endured an unprovoked attack;

has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority, as the term "unprovoked" means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog;

(b) The Village Council finds that dogs should not be permitted to roam free off your private property. When dogs are off your private property, they must be leashed at all times. Owners must also exercise proper care and control of dogs. While on the owner's property, a dog must be securely confined indoors, or if outdoors, in a manner suitable to prevent the entry of young children and designed to prevent the animal from escaping.

(c) The Village Council finds that a dog is creating a public nuisance when it chases vehicles or persons or when it trespasses or causes damage to another person's private property or on governmental or public property.

WHEREAS, The Village Council desires to update the Village Code to make certain changes, as set forth herein, to said regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF EL PORTAL, FLORIDA COUNCIL, that:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Police and code enforcement officials shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and may require a sworn affidavit from any person. Results of any such investigation shall be provided to Miami Dade County Animal Control authorities.

Section 3. Any canine that is owned, or the service of which is employed, by a law enforcement agency, is exempt from any guilt of crime or penalty.

Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human may be exempt from this section if the dog is a licensed service dog and has been trained within those aspects of service.

Section 4: Severance of Invalid Provisions

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5: Repeal of Ordinances in Conflict

All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

Section 6: Codification

That it is the intention of the Village Council of The Village of El Portal Florida, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of The Village of El Portal Florida's Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7: Effective Date

This ordinance shall take effect immediately following approval and adoption on second reading.

PASSED on first reading, this 23 day of May , 2023.


PASSED AND ADOPTED on 2nd and final reading, this 27 day of June, 2023.



Omarr C. Nickerson, Mayor
Village of El Portal

ATTEST: 
Yenise Jacobi CMC, Village Clerk

Approved as to form and legal sufficiency:
Greenspoon Marder LLP
Village Attorneys

By: 
Joseph S. Geller, Esq.

Vote: *Councilperson* mot: *Lightfoot-Ward* *Councilperson* 2nd: *Martin*

Councilperson Martin:	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilperson Lightfoot-Ward:	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Councilperson Urbom:	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Vice Mayor Pirela:	<input type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)
Mayor Nickerson:	<input checked="" type="checkbox"/>	(Yes)	<input type="checkbox"/>	(No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: 2023-03 adopted on this 27 day June, 2023, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 27 day of June, 2023.


Yenise Jacobi, Village Clerk