

ORDINANCE NO. 2007-10

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
REPEALING AND REPLACING EXISTING SECTION 3-23,
ENTITLED "DEFECATING, ETC., ON PUBLIC OR
COMMON PROPERTY PROHIBITED," OF THE CODE OF
ORDINANCES OF THE VILLAGE OF BISCAYNE PARK;
PROVIDING FOR CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Village Commission of the Village of Biscayne Park recognizes the need for the public and common areas of the Village to be maintained in a healthy and clean manner, free from animal excrement; and

WHEREAS, the Village Commission deems it to be in the best interests of the Village to replace existing Section 3-23 of the Code of Ordinances to provide more stringent regulations concerning the removal of animal excrement; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
BISCAYNE PARK, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Village Commission of the Village of Biscayne Park hereby repeals existing Section 3-23 of the Village of Biscayne Park Code of Ordinances, entitled "Defecating, etc., on Public or Common Property Prohibited," and replacing that Section with a new Section 3-23 to read as follows:

Sec. 3-23. Defecating, etc. on Public or Common Property Prohibited.

It shall be unlawful for any person who owns or has control of any animal to permit said animal to defecate upon the following, unless said person has on his or her person a means to immediately remove any feces of such animal:

1. Any street, sidewalk or alley of any public or private property; or
2. Any public park, parkways or roadways, other than areas designated for that purpose; or
3. Any private property not belonging to the owner of the animal; or
4. Any swale, easement or right-of-way serving to convey stormwater to a canal, lake or other receiving water.

For the purposes of this Section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place appropriate for the sanitary disposal of such feces.

Section 3. It is the intention of the Village Commission of the Village of Biscayne Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

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. Inclusion in Code.

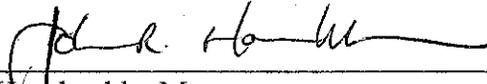
It is the intention of the Village Commission of the Village of Biscayne Park, Florida, that the provisions of this Ordinance shall become and be made a part of the Village of Biscayne Park Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered and

the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Anderson, who moved its adoption. The motion was seconded by Comm. Morris and upon being put to a vote, the vote was as follows:

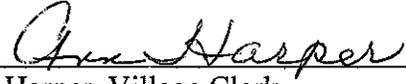
The foregoing ordinance upon being put to a vote, the vote was as follows:



John Hornbuckle, Mayor

Mayor Hornbuckle: yes
Vice Mayor Anderson yes
Commissioner Bernard yes
Commissioner Mallette: yes
Commissioner Morris: yes

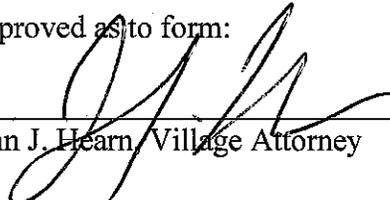
Attest:



Ann Harper, Village Clerk

1st reading – July 10, 2007
2nd reading – August 7, 2007

Approved as to form:



John J. Hearn, Village Attorney