

**ORDINANCE No. 2016-14**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 20 “ENVIRONMENT” OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE IV, “MOSQUITO CONTROL”; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS TO ELIMINATE MOSQUITO BREEDING SOURCES; TO PROMOTE, PROTECT AND IMPROVE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral (the “City”) Code Compliance Department has become aware of needed amendments to the existing Code; and

**WHEREAS**, the City is located within Miami-Dade County and is a sub-tropical climate that is susceptible to conditions ideal for mosquito breeding; and

**WHEREAS**, Miami Dade County has approximately 45 species of mosquitoes and have been known to create a sufficient annoyance that require certain control measures; and

**WHEREAS**, in addition to creating an annoyance, mosquitoes are known to transmit diseases, which include Zika Virus, West Nile Virus, Dengue Fever, Encephalitis, Malaria, and others; and

**WHEREAS**, the Code Compliance Department has recommended adopting regulations to control and reduce the mosquito population of the City through removal, filling, draining, emptying, treating, altering, or otherwise eliminating mosquito breeding sources; and

CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscoring type are additions.

**WHEREAS**, the Mayor and City Council, through the adoption of this ordinance, seeks to protect the public health, safety, and welfare for the community; and

**WHEREAS**, the Mayor and the City Council find that the policies contained herein are in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Code Amended.** The Code of Ordinances of the City of Doral is hereby amended as follows:

**CHAPTER 26. ENVIRONMENT**

**ARTICLE IV. MOSQUITO CONTROL**

**Sec. 20-56. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abate* means to take measures to control mosquito breeding.

*Artificial containers* means any man-made containers capable of collecting water, including, but not limited to, tires, swimming pools, cans, vases, buckets, boats, bird baths, jars, canals, ditches or flower cutting containers.

*Breeding source* means any area capable of sustaining the reproduction of mosquitoes.

*Code Inspector* means the code compliance officers or any authorized agent or employee of the city whose duty it is to ensure code compliance as defined in section 11-1 of the City's Code.

*Director* means the director of the code compliance department.

CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscored type are additions.

Immature mosquito means a mosquito larva or pupa.

Mosquito means a small long legged, two winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

Person means an individual, corporation, organization, partnership, municipality, or other legal entity.

Premises means a lot, plot, parcel of land including the buildings or structures thereon.

Structure means a solid roofed and walled building constructed for permanent use.

### **Sec. 20-57. - Mosquito Control.**

All premises within the City of Doral shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within 48 hours after discovering or being informed of the evidence of mosquito breeding on the premises.

### **Sec. 20-58. - Regulations to Eliminate Mosquito Breeding Sources**

Breeding sources for mosquitoes shall be eliminated or treated by one or more of the following methods as shall be approved by the Director.

- (1) Filling, draining, removing, or otherwise eliminating the breeding source.
- (2) Completely emptying the breeding source of all water at least every seven (7) days, or as approved by the Director. Where an artificial container is a water basin (e. g. swimming pool) designed to hold water, such containers shall be maintained or altered to prevent mosquito breeding or be removed.
- (3) Treating the breeding source with an effective insecticide and/or larvicide and used in accordance with label directions.
- (4) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers.

(5) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.

(6) Other methods proven to be effective in controlling mosquitoes and as approved by the Director.

**Sec. 20-59. - Enforcement.**

This article shall be enforced by the Code Compliance Department. Whenever a Code Compliance Officer determines that a site is an artificially induced mosquito breeding area, the Code Inspector is authorized to give, or cause to be given, to the responsible party notice, by personal service, posting or certified mail, to take corrective action to abate the mosquito breeding within 48 hours. If the responsible party fails to take corrective action to abate the artificially induced mosquito breeding, said party shall be issued a Notice pursuant to Section 11-54 of the City Code.

**Sec. 20-60. - Penalties.**

For the purposes of this section, each day shall be considered a separate violation. Violation of Section 20-58 of this article shall be subject to the following penalties:

(1) *First violation* – Notice of Violation providing 48 hours to take corrective action.

(2) *Second violation* – Citation Violation Notice in the amount of \$150.00.

(3) *Third and any subsequent violation* – Civil Violation Notice in the amount of \$250.00.:

(b.) A violator who has been served with a Civil Violation Notice shall elect either to:

1 Pay the civil violation in the manner indicated on the notice; or

2 Request an administrative hearing before a special magistrate to appeal the decision of the code compliance officer that resulted in the issuance of the civil violation notice.

- (b.) The procedures for appeal by administrative hearing of the civil violation notice shall be set for in the code compliance ordinance.
- (c.) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by report of the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and penalties may be assessed accordingly.
- (d.) Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction.
- (4) The City may proceed to abate the breeding source as provided in section 11-49(b) of the Code.

**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or re-lettering sections, and to change, and that the word “ordinance” may be changed to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscoring type are additions.

**Section 5.** **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 6.** **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7.** **Effective Date.** This Ordinance shall become effective immediately upon adoption.

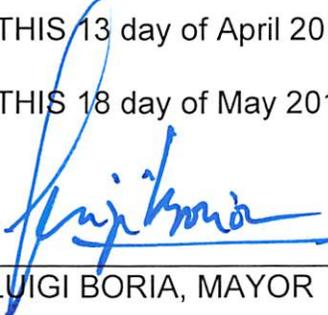
CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscoring type are additions.

The foregoing Ordinance was offered by Vice Mayor Fraga who moved its adoption. The motion was seconded by Councilmember Cabrera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING THIS 13 day of April 2016.

PASSED AND ADOPTED on FIRST READING THIS 18 day of May 2016.



---

LUIGI BORIA, MAYOR

ATTEST:



---

CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE SOLE USE  
OF THE CITY OF DORAL



---

WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL  
CITY ATTORNEY

CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscoring type are additions.