



MEMORANDUM

Agenda Item No. 6(K)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Revision to Ordinance Amending
Chapter 2, Signs in the Right-of-Way

RECOMMENDATION

It is recommended that the attached amended ordinance pertaining to the regulation of signs in the right-of-way be adopted. The amendment was adopted on first reading by this Board on May 20, 2003. On June 10, 2003, the Public Safety Committee, after discussion concerning the amount of the fines, amended the proposed ordinance to lower the civil penalties and forwarded the item to the Board with a favorable recommendation as amended. The revision lowers the category most closely associated with garage sales signs from \$100.00 to \$50.00; reduces the fines associated with signs mounted with adhesives from \$500.00 to \$150.00 and reduces the fines for pennants and streamers from \$500.00 to \$200.00

BACKGROUND

Chapter 2 has long held the prohibition of placing signs in the right-of-way because of danger to pedestrians and motorists. In addition to the potential visual obstructions and physical hazards posed by signs, the proliferation of these objects creates a form of visual littering that affects the overall appearance of commercial and residential areas alike.

Because of the danger to the public and the high potential for the County's liability, it is the County's practice to issue immediate citations for all signs and to remove them. Team Metro Neighborhood Compliance Officers routinely make sign sweeps along priority corridors and in neighborhoods. The Code provides for varying levels of civil citations based on the composition of the sign and the degree of hazard. Paper or plastic signs carry a lesser fine than wood or pennants or streamers. This code amendment modifies the category of signs and consolidates some of the existing categories.

Policy issues have been expressed with respect to the amount of the fines and the requirement of issuing immediate civil citations instead of warnings. In examining the amount of the fines and the degree of public education, it is recommended that the practice of immediate civil citations be retained because of the life-safety danger for the public and to moderate the immediacy of the enforcement by lowering the fines as amended above by the Public Safety Committee.

Honorable Chairperson and Members
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It is important to note that Team Metro has enforced the County requirements of sign retailers to post informational notices. Merchants received information and warnings to enforce the code. Team Metro visited the major area retailers in the unincorporated area and took appropriate enforcement to assure compliance. While this regulation will benefit many residents, there are still some who create their own signs. This amendment will maintain the emphasis on life-safety while addressing the reasonableness of the fine for residents.

In addition to the above, Chapter 8CC is being amended to create a citation for the enforcement of the sign retailer posting requirement.

Attachment



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Revised Fiscal Impact Ordinance
Amending Signs in the Right-of-Way

The proposed amendment would reduce the cost of civil penalties for several types of signs. The primary change is to reduce the civil penalty for paper or plastic signs which are most commonly used for small homeowner garage sales. The change is a reduction in the civil penalty amount from \$100.00 to \$50.00 while maintaining the immediate citation provisions of Chapter 2. In addition, the amended item proposes to reduce the fine for signs that are attached in such a manner so as to injure a tree with nails by reducing the fine from \$500.00 to \$50.00; reducing the penalties for signs affixed with glue or adhesive from \$500.00 to \$150.00; and reduces the fine for pennants or streamers from \$500.00 to \$200.00.

The proposed changes pose an annual cost impact to the department of \$200,000 to \$168,000. This loss in fines should be replaced by other funding sources to maintain current staff levels.

It is important to note that the Department removes signs, large and small, from the right-of-way because of the life-safety hazard and littering caused by the placement of such signs. For this reason the Department will continue the practice of immediate removal of signs. The cost of removal and disposal of these signs would continue to be absorbed by Miami-Dade County.



MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(K)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 6(K)

Veto _____

7-8-03

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO SIGNS IN THE RIGHT OF WAY AND AMENDING CHAPTER 8CC TO PROVIDE FOR ENFORCEMENT OF CHAPTER 2, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-103.15 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 2-103.15 Signs in public right-of-way; prohibition

(d) In addition to any other remedy available by law or ordinance, enforcement against the owner or benefactor and/or erector of the sign shall be outlined in Chapter 8CC (Code Enforcement). ~~[[In the event the sign is or has been affixed to a tree in a County Maintained right-of-way in violation of section (a) in such a manner as to penetrate or injure a tree, there shall be imposed a penalty of five hundred (\$500) dollars per tree. For purposes of this section the definition of sign shall include any writing or graffiti which is directly applied to a tree.]]~~ It shall be unlawful for any person to erect any sign, as described below, within the limits of any County right-of-way:

>> (1) Illegal sign in the right-of-way affixed to a tree in such a manner as to penetrate or injure a tree. For purposes of this section the definition of sign shall include any writing or graffiti which is directly applied to a tree. <<

~~[[(+)]>>(2)<< Illegal signs in the right-of-way >> equal to or less than 22 inches by 28 inches overall secured by any non-adhesive means including but not limited to a stake, metal rod, rope, nails, thumb tacks, bricks, or boulders<< in the right-of-way>> . << ~~[[constructed of a material known as paper (made of cellulose pulp, derived mainly from wood used mainly for writing, printing, etc.), cardboard, or any other material known as paper.~~~~

~~(2) Illegal signs in the right of way affixed with an adhesive or glue, or secured with bricks, rocks, concrete blocks, metal rods or any similar securing device that hinders the removal of the sign.]]~~

(3) Illegal signs in the right-of-way >> equal to or less than 22 inches by 28 inches overall secured with any adhesive type of material including but not limited to material such as tape, glue, duct tape or paste. << ~~[[constructed and/or framed in wood, metal, or any other non-paper or non-plastic material up to 22 x 28 inches in total size.]]~~

(4) Illegal signs in the right-of-way >>of a size greater than 22 inches by 28 inches overall regardless of sign material or method of posting or attachment. << ~~[[constructed and/or framed in wood, metal, or any other non-paper or non-plastic material over 22 x 28 inches in total size~~

~~(5) Illegal signs in the right of way constructed of plastic or other similar plastic-like synthetic material.~~

~~(6)] >>(5)<< Illegal banners, pennants, or streamers in the right-of-way.~~

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section

listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
2-103.15(d)>> (1) <<	Illegal signs in right-of-way which penetrate or injure a tree	[[500]]>>50<<.00
2-103.15(d)([+])>> 2 <<	Illegal signs in the right-of-way >> <u>equal to or less than 22 inches by 28 inches overall secured by any non-adhesive means including but not limited to a stake, metal rod, rope, nails, thumb tacks, bricks, or boulders</u> << in the right-of-way >> . << [[constructed of a material known as paper (made of cellulose pulp, derived mainly from wood used mainly for writing, printing, etc.), cardboard, or any other material known as paper.	[[100.00]]>>50.00<<
2-103.15(d)(2)	Illegal signs in the right-of-way affixed with an adhesive or glue, or secured with bricks, rocks, concrete blocks, metal rods or any similar securing device that hinders the removal of the sign.	\$200]]

2-103.15(d)(3)	Illegal signs in the right-of-way >> <u>equal to or less than 22 inches by 28 inches overall secured with any adhesive type of material including but not limited to material such as tape, glue, duct tape or paste.</u> << [[constructed and/or framed in wood, metal, or any other non paper or non plastic material up to 22 x 28 inches in total size.]]	[[5]]>>15<<0.00
2-103.15(d)(4)	Illegal signs in the right-of-way >> <u>of a size greater than 22 inches by 28 inches overall regardless of sign material or method of posting or attachment.</u> << [[constructed and/or framed in wood, metal, or any other non paper or non plastic material over 22 x 28 inches in total size	>>1<<50[0].00
2-103.15(d)(5)	Illegal signs in the right-of-way constructed of plastic or other similar plastic-like synthetic material	200.00]]
2-103.15(d)[[(6)]] >>5<<	Illegal banners, pennants, or streamers in the right-of-way	[[5]] >>2<<00.00
>> 2-103.15(h)	<u>Failure of sign retailer to post advisory notice</u>	500.00<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Rashmi Airan-Pace

RA6
