



City of Miami

Legislation

Ordinance

City Hall
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Drive
Miami, FL 33133
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File Number: 13-00375

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 54/ ARTICLE I/SECTION 54-9 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "STREETS AND SIDEWALKS/ IN GENERAL/ PLACING SIGNS ON ANY PORTION OF THE PUBLIC RIGHT-OF-WAY, STREET, OR SIDEWALK SURFACE", MORE PARTICULARLY BY AMENDING SUBSECTION (A) TO ALLOW THE DEPARTMENT OF OFF-STREET PARKING OF THE CITY OF MIAMI ("DOSP") TO PROCURE CERTAIN SIGNAGE SUBJECT TO SPECIFIED TERMS, CONDITIONS AND LIMITATIONS; FURTHER ADDING A NEW SUBSECTION (G) TO PERMIT THE PLACEMENT OF SIGNAGE OR ADVERTISEMENTS ON CITY OF MIAMI OWNED, OR DOSP OWNED, PARKING PAYMENT MACHINES WITHIN THE PUBLIC RIGHT-OF-WAY; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami ("City") and the Department of Off-Street Parking of the City of Miami ("DOSP") each own facilities and fixtures located within the City's public right-of-way; and

WHEREAS, it would be beneficial to the City and DOSP to allow for advertising or displays to be placed, subject to terms, conditions and limitations, on certain City, or DOSP, owned parking pay stations in order to generate additional revenue for the City, while at the same time, maintaining a consistent appearance, allowing the City to put a firm cap on the quantum of advertising allowed, and adhering to the City's overarching goal of traffic safety and aesthetics; and

WHEREAS, patrons and guests of public parking, and the community at large, can benefit from the conveyance of public interest messages and general area information, including features, locations, establishments, available products, attributes, and amenities in the area, and this serves the public interest;

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

Section 1. The recitals and findings contained in the Preamble of this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 54/Article I/ Section 54-9 of the Code of the City of Miami, Florida, as amended, is further amended in the following particulars:{1}

"CHAPTER 54

STREETS AND SIDEWALKS

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ARTICLE I. IN GENERAL

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Sec. 54-9. Placing signs, advertisement, or displays on any portion of public right-of-way, street or sidewalk surface.

(a) Except as provided in this Section, It shall be unlawful for any person to post, stick, stamp, stencil, write, paint, erect or place a sign upon any sidewalk, crosswalk, curb, or any portion of the public right-of-way, including but not limited to, any trash receptacles, lamp post, electric light, telegraph, telephone or utility line pole, hydrant, parking meter, bus bench or shelter, news rack, shade tree or tree box, any wall, fence or barricade, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge, overpass or viaduct, or any public structure or building except signs, advertisements, or displays authorized or required by the city, or by the laws or resolutions of the United States, the state, or the city. This subsection shall be enforced pursuant to the provisions of section 1-13.

(b) It shall be unlawful for any benefactor to cause to be posted, stuck, stamped, stenciled, written, painted, erected, or placed any sign to or upon any sidewalk, crosswalk, curb, or any portion of the public right-of-way, including but not limited to, any trash receptacles, lamp post, electric light telegraph, telephone or utility line pole, hydrant, parking meter, bus bench or shelter, news rack, shade tree or tree box, any wall, fence or barricade, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge, overpass or viaduct, or any public structure or building except signs authorized or required by the city, or by the laws of the United States, the state, or the city.

(c) No sign shall extend or project over any portion of any street, alley, waterway or any other public way or any public property except for marquee and projecting signs which shall only be permitted to extend over the right-of-way, in accordance with the Florida Building Code.

(d) A performance bond shall be required of any person or business who rents or leases any city for a special event to ensure the removal of any signs that may advertise such event. The city may at its sole discretion direct such signs to be removed at any time.

(e) Notwithstanding any language to the contrary in this chapter, a person, business, or other entity donating to the city trash receptacles meeting all city requirements and specifications, for the use and benefit of the general public, shall be authorized to place a sponsorship sign (which shall mean a sign that may include the following or any combination of: the name of a person, business or entity, a logo for a business or other entity, on the trash receptacle, after such sponsorship sign is approved at the discretion of the solid waste director or designee. The sponsorship sign will have a dimension of 12" x 6" and exclude alcohol, tobacco, firearms products and adult entertainment establishments. The sponsorship will be for the term the sponsored trash receptacle is in service. The placement of any donated trash receptacles shall be up to the discretion of the solid waste director or designee.

(f) (1) Notwithstanding any other prohibitions in this chapter to the contrary, the city may place, or

contract for placement of advertisements or displays on City of Miami Bicycle Sharing and Rental Station located within the public right-of-way or on bicycles when such advertisements or displays are part of a city sponsored bicycle-rental and sharing program. Such advertisements or displays will be permitted only when the bicycle program is competitively procured and subject to compliance with all applicable permits, contract and competitive solicitation requirements, governmental reviews and approvals, codes, rules, regulations, ordinances, statutes, and contract provisions. All contracts for placement of advertisements under this section of the code shall contain provisions for a portion of the revenue to accrue to the City.

(2) The following definitions will apply to this section of the Code:

Bicycle Sharing and Rental Program - Means a bicycle sharing and rental program that is comprised of an automated system in which bicycles are made available for shared use by individuals who do not own them.

Bicycle Sharing and Rental Station - Means the following items located on a predetermined physical site: docking structure, Payment Kiosk, and bicycles.

Payment Kiosk- Means the physical structure and housing for the electronic payment equipment that allows users to access the Bicycle Sharing and Rental Program with a membership card or credit card.
(3) The following requirements and limitations will apply to any advertisement(s) and display(s) authorized under this section:

(i) Advertisements on the Bicycle Sharing and Rental Station Payment Kiosk may contain advertising on: (A) the rear panel of the Payment Kiosk opposite the keypad/screen display with a maximum dimension of 23"W x 81"H and/or (B) both side panels measuring 14"W x 48"H.

(ii) General advertising on bicycles that are part of a Bicycle Sharing and Rental Program shall be limited to basket surfaces, handlebar placard and fender covers of the bicycles.

(g)(1) Notwithstanding any other prohibitions in this chapter to the contrary, the Department of Off-Street Parking of the City of Miami ("DOSPP"), which owns parking payment machines situated on property within the public right-of-way or in designated parking areas, shall be authorized to use such parking payment machines for advertising purposes. DOSPP may enter into agreements with competitively procured licensees for these parking payment machines to be used for advertising. The agreements shall be in such form(s) acceptable to the city attorney, on terms acceptable to the Director of Public Works, and may not be assigned, transferred or otherwise sold or conveyed. The agreements may not be exclusive, or have a fixed term, unless competitively procured. All agreements are subject to compliance with all applicable permits, governmental reviews and approvals, and all federal, state and local laws.

(2) The following requirements and limitations will apply to any advertisement(s) authorized under this section:

(i) advertisements shall contain public interest messages on a minimum of two-thirds (2/3) of the display area.

(ii) advertisements will exclude alcoholic beverage brands, tobacco brands, firearms products and adult entertainment products or establishments.

(iii) advertisements shall be changed, at a minimum, on a quarterly basis.

(iv) advertisements shall not contain additional lighting, specifically no back lighting, other than the lighting typically associated with the parking payment machines in their ordinary use.

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Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.{2}

APPROVED AS TO FORM AND CORRECTNESS 



JULIE O. BRU
CITY ATTORNEY



Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission.