

ORDINANCE No. 04-61

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 2-103.15 OF THE TOWN CODE RELATING TO SIGNS IN THE RIGHT-OF-WAY; AMENDING SECTION 8-CC-10 TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF CODE SECTION 2-103.15; REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.3 of its Town Charter, the Town of Miami Lakes (the “Town”) adopted the Miami-Dade County Code (the “Town Code”) as its own, at the time of the Town’s incorporation which included Section 2-103.15; and

WHEREAS, in Ordinance Number 02-17, the Town amended Chapter 8CC-10 pertaining to Code Enforcement; and

WHEREAS, the Town Council wishes to reduce the penalties for illegal signs in the right-of-way in Chapter 8CC-10 of the Town Code to better reflect the needs of the Town; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following amendments to the Town Code.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Section 2-103.15 of the Town Code is hereby amended to read as follows:

¹ / Additions to existing City Code text are shown by underline; deletions from existing City Code text are shown as ~~strikethrough~~.

Section 2-103.15

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

(a) No person shall erect any sign, as described above [Section 2-103.14], within the right-of-way limits of any ~~CountyTown~~ maintained road ~~within the unincorporated areas of Miami-Dade County~~ or any County maintained road within the ~~municipalTown~~ limits ~~of any municipality in Miami-Dade County~~.

(b) Traffic signs which have been approved by the Director of the Public Works Department are exempt from this section of the Code. Such exempted signs shall not contain any commercial advertisement.

(c) The Director of the Public Works Department has the authority to direct removal of any sign in violation of paragraph (a) as provided herein:

- (1) If a sign is located on or within the right-of-way of a ~~CountyTown~~ maintained road in violation of paragraph (a) the Director shall have the authority to remove and dispose of the sign.
- (2) The Director may require the owner or benefactor and/or erector of the sign to immediately remove the sign and repair any damage caused by the placement of the sign including the replacement of any tree damaged or destroyed by the placement of the sign.

(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 as 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 (\$500.00) dollars per tree. For purposes of this section (d) 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 signs 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.
- ~~(1)~~(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 boulder~~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 illegal 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.

* * *

(f) The provisions of paragraph (a) above do not apply to bus benches or transit shelters, or advertising on bus benches and transit shelters, on the right-of-way of any CountyTown road, which bus benches or transit shelters have been erected for the comfort or convenience of the general public, provided written authorization has been secured from Miami-Dade County pursuant to Chapter 21, Article XII (Public and Bus Passenger Benches and Shelters), Code of Miami-Dade County, Florida.

(g) The provisions of paragraph (a) above do not apply to advertising placed upon waste disposal receptacles of less than one hundred ten (110) gallons in capacity erected or placed on the right-of-way of any CountyTown road, provided written authorization has been secured from the Director of the Public Works Department.

(h) For the purposes of this section right-of-way shall mean all rights-of-way located within the Town's municipal boundaries.

Section 3. Section 8CC-10 of the Town Code is hereby amended to read as follows:

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

* * *

<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, <u>first violation</u>	500 50.00
<u>2-103.15(d) (1)</u>	<u>Illegal signs in right-of-way which penetrate or injure a tree, second violation</u>	<u>200.00</u>
<u>2-103.15(d) (1)</u>	<u>Illegal signs in right-of-way which penetrate or injure a tree, third or subsequent violation</u>	<u>500.00</u>
2-103.15(d) (1) (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 boulderseonstructed 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 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 illegal sign	200.00
2-103.15(d)(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.	250 50.00

2-103.15(d)(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	500 150.00
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) <u>5</u>	Illegal banners, pennants, or streamers in the right-of-way	500 200.00

Section 3. Repeal Of Conflicting Provisions. Any provision of the Code that conflicts with this Ordinance is hereby repealed.

Section 4. 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 5. Inclusion In The Code.** It is the intention of the Town

Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ord inance” may be changed to “section,” “ar ticle,” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins who moved its adoption on first reading. The motion was seconded by Thomson and upon being put to a vote, the vote was as follows:


Councilmember Mary Collins	yes
Councilmember Robert Meador, II	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes
Councilmember Peter Thomson	yes
Vice Mayor Roberto Alonso	yes
Mayor Wayne Slaton	absent

PASSED AND ADOPTED on first reading this 9th day of November, 2004.

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

Councilmember Mary Collins	yes
Councilmember Robert Meador, II	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes
Councilmember Peter Thomson	yes
Vice Mayor Roberto Alonso	yes
Mayor Wayne Slaton	yes

PASSED AND ADOPTED on second reading this 14th day of December, 2004.




Wayne Slaton
MAYOR

ATTEST:



TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY