ORDINANCE No. 2005-07-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE THE ERECTION OF BANNERS ON POLES LOCATED WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHTS-OF-WAY; ESTABLISHING ADMINISTRATIVE FEES; PROVIDING FOR THE ASSESSMENT OF FINES; PROVIDING FOR ADDITIONAL REGULATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, various entities erect banners on poles in rights-of-way controlled by the Florida Department of Transportation ("FDOT") to advertise special events, and

WHEREAS, FDOT requires the City's approval and "sign off" on banners located in the City of Miami Gardens, and

WHEREAS, the City Council would like to authorize the City Manager, or his designee, to provide administrative approval and "sign off" on all such banners,

WHEREAS, it is appropriate for the City to establish fees to off-set the administrative costs associated with the approval of banners, and

WHEREAS, in addition to establishing fees, certain other regulations should be imposed on the erection of banners,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AUTHORIZATION: The City Manager or his designee shall have

the authority to approve and "sign off" on all banners to be located in FDOT rights-of-way within the City.

SECTION 3. ESTABLISHMENT OF FEES: The following administrative fees are established for all banners to be approved by the City Manager or his designee:

a. Basic approval fee: $50.00

b. Per banner fees:

$10.00 - nonprofits events to be held in the City

$50.00- for profit events to be held in the City

$20.00 - nonprofit events to be held out of the City

$75.00 – for profit events to be held out of City

The fees established herein may be amended by the City Council from time to time by separate resolution.

SECTION 4: REGULATIONS: The following additional regulations shall apply to banners to be installed on FDOT rights-of-way:

a. Banners may only be displayed for a period of up to 30 days, unless the City Manager or his designee grants an extension, in writing.

b. If a banner(s) is not removed by the applicant within the aforementioned 30 day time period, the City shall have the right to assess a fine of $10.00 per day, per fine. The failure of an applicant to remove a banner(s) in the specified time may also subject the applicant to forfeiting the right to erect banners in the City in the future.

c. Banners shall be used solely for the purpose of promoting public events, seasonal decorations or holidays, and for no other purpose.

d. The events for which the banner is to be displayed shall be of a City or County-wide, public nature and shall have no commercial advertising except for the name

and/or logo of the event or sponsor, which shall not exceed in area 20% of the banner face.

SECTION 5. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 12th DAY OF JANUARY, 2005.

PASSED ON SECOND READING BY TITLE ONLY THE DAY OF 26TH DAY OF JANUARY, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 26TH DAY OF JANUARY, 2005.

SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, CMC, CITY CLERK

Ordinance No. 2005-07-45

Prepared by SONJA K. KNIGHTON, ESQ.
City Attorney

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Vice Mayor Campbell
SECONDED BY: Councilwoman Watson

VOTE: 5-0

Mayor Gibson	x (Yes)	___(No)
Vice Mayor Campbell	x (Yes)	___(No)
Councilman Melvin L. Bratton	x (Yes)	___(No)
Councilman Oscar Braynon, II	___(Yes)	___(No) Out of room
Councilwoman Audrey J. King	___(Yes)	___(No) Not present
Councilwoman Sharon Pritchett	x (Yes)	___(No)
Councilwoman Barbara Watson	x (Yes)	___(No)

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