

RESOLUTION NO. 14-66

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING CONCHITA ESPINOSA ACADEMY TO INSTALL TWENTY-FIVE BANNERS WITHIN THE CITY OF DORAL RIGHT-OF-WAY TO PROMOTE THE FESTIVAL OF THE ARTS 2014 EVENT AS PER ORDINANCE 2007-17; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2014, the Conchita Espinosa Academy (“CEA”) and Conchita Espinosa Conservatory of the Arts (“CEC”) will celebrate their 80th anniversary, which they will commemorate with a multi-day, cultural event, called Festival of the Arts, to be held at the Miami-Dade County Auditorium (the “Event”); and

WHEREAS, the CEA is a member of the Doral Arts Coalition; and

WHEREAS, to promote the event and the anniversary, CEA desires to install, and has requested the installation of, twenty-five (25) banners within City of Doral right-of-way; and

WHEREAS, as per Section 80-125 of the City Code of Ordinances, the right to install banners on light poles as well as the number, location and method of installation of banners shall be subject to review and approval by the City Council for special events held outside of the City; and

WHEREAS, Staff has reviewed the light pole banner design for the event, which is shown in the attached Exhibit “A”, and has determined that CEA’s banner meets code requirements,

WHEREAS, there will be no cost to the City associated with the Event and/or the installation of the banners; and

WHEREAS, the Mayor and City Council desire to support CEA as an organization active in the City and to promote CEA's anniversary and the Event.

NOW, THEREFORE, BE IT RESOLVED 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. Approval. Conchita Espinosa Academy's request for a permit for the installation of twenty-five (25) banners, in accordance with the staff-approved design, attached hereto as Exhibit "A", is hereby approved, subject to identification and availability of locations and other reasonable conditions as may be specified by the City Manager.

Section 4. Implementation. The City Manager is hereby authorized to take such action as may be necessary to implement the objectives of this Resolution and of the permit for signage approved hereby.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

By unanimous consensus of the City Council, the item was approved

Mayor Luigi Boria	Aye
Vice Mayor Christi Fraga	Aye
Councilwoman Ana Maria Rodriguez	Aye
Councilwoman Bettina Rodriguez Aguilera	Aye
Councilwoman Sandra Ruiz	Aye

PASSED and ADOPTED this 14th day of May, 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, PL
CITY ATTORNEY

EXHIBIT “A”



Conchita
Espinosa
Academy

Festival of the *Arts* 2014

June 7, 2014 at 6:30pm
Miami Dade County Auditorium

ORDINANCE NO. #2007- 17

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED "SIGNS OVER PUBLIC PROPERTY"; PROHIBITING SIGNS GENERALLY AND REMOVAL OF ILLEGAL SIGNS; PROHIBITING SIGNS BEING POSTED ON UTILITY COMPANY PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLIC EVENT DIRECTIONAL SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral wishes to regulate banners that are placed over the right-of-way within the City of Doral; and

WHEREAS, the City of Doral believes that any banners that are illegally placed should be removed by the City; and

WHEREAS, the City of Doral wishes to eliminate the placing of signs on utility company property or public property; and

WHEREAS, the Mayor and City Council through the adoption of this ordinance seeks to establish procedures for approving banners placed over the public right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That a new ordinance of the City of Doral, entitled, "Signs Over Public Property," shall be and it is hereby created to read as follows:

Sec. 101-01. Prohibited signs generally; exemptions; banners; removal.

Except as provided in this chapter or by city ordinance, by statutes or by county ordinance, no sign of any character shall be suspended across any public street, alley or waterway; nor shall any sign of any description be posted or painted on or applied to any curb, sidewalk, tree, light standard, utility pole, hydrant, bridge, wall, or any structure, other than an awning, which is within the property lines of any street, alley or waterway within the city. The following signs shall be exempt from this requirement:

- (1) Official traffic signs, information signs and warning signs erected by a governmental agency and temporary signs indicating danger.
- (2) Temporary special public event directional signs approved pursuant to this chapter.
- (3) Light pole banners as provided for in this section.

No portion of any sign which extends over a public sidewalk or alley shall be less than 9 feet above such sidewalk or 15 feet above such alley, measured vertically directly beneath the sign to grade.

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.

Light pole banners. Banners affixed to light poles or other similar structures on the public right-of-way shall be subject to the following regulations:

The right to install, as well as the number, location and method of installation of banners shall be subject to review and approval by the City Manager, or his/her designee for special events taking place in the City, and by the City Council for special events held outside of the city.

In considering whether to approve light pole banners for events held outside of the City, the City Council may, among other factors, consider whether the municipality or other governmental entity hosting that special event would reciprocate such action within its own jurisdiction for special events taking place in the City.

Banners shall not exceed 3 feet in width by 8 feet in length. Banners may be double-sided. The color, design and material of all banners shall be approved under the design review process.

Banners directing the public's attention to a public institution or special district may be erected for an indefinite period, subject to being maintained in good condition and periodic review for appropriateness under the design review process.

Any text shall be limited to a maximum of 25 percent of the total area of the banner, unless the text constitutes the overall image of the banner.

All banners announcing special events may be erected up to 30 days prior to the event being announced and must be removed within seven (7) days after such event. Special event banners for events to be held outside the City shall require prior approval by the City Council.

Text for special event banners shall be limited to the name of the event, the name of the sponsor and the date of the event.

Any single corporate symbol or logo associated with the sponsorship of any special event shall be limited to five percent or one square foot of the total area of the banner, whichever is smaller; two or more symbols or logos associated with sponsorship shall be limited to ten percent, or two square feet of the total area of the banner, whichever is smaller.

A performance bond shall be required to ensure the removal of the banners in case of advanced deterioration of the banners, or if a dangerous condition presents itself, the city may at its sole discretion direct banners to be removed at any time.

The City shall require the sponsoring organization to provide a certificate of insurance that covers the sponsor's property as well as the property of City. This certificate of insurance shall be approved by the Public Work's Department.

When a sign is found to be located on public property and without a permit, the City shall have the right to remove such sign. The owner may recover the sign by paying the removal costs within 60 days of the removal. If the sign is not recovered by the owner within 60 days then it shall be considered abandoned property in the hands of the City and shall be disposed of as permitted by law. The City shall recover all costs in conjunction with such removal of signs from the owner or the owner's property. Such recovery may be by way of personal action against the owner or an in rem lien against any property of the owner located within the City.

Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property shall be prohibited.

Sec. 101-02. Posting of signs on utility company property or public property prohibited; enforcement; fines; appeal.

Generally. It shall be unlawful for any person to place, post or affix, own, or be the benefactor of the placing, posting, or affixing of, any sign upon a public sidewalk, building, fence, wall, boardwalk, pole, apparatus or equipment belonging to an electric utility company or other object or structure located upon a public sidewalk, swale, area or median within the City. In addition to any other remedy available by law or ordinance, enforcement against the owner or benefactor and/or person who placed, posted or affixed the sign shall be as outlined in this section. A lessor (or sublessor) of premises which are the subject of an illegal sign without the knowledge or approval or benefit of such lessor (or sublessor) shall not be liable for violations under this section.

Signs affixed or held with a securing device. In the event that an illegal sign(s) in the right-of-way is affixed with adhesive, glue, staples, tacks, or nails that require extra ordinary effort, labor and or material to remove, then said sign shall be subject to enforcement as outlined in this section.

Authorizing others to post signs prohibited. It shall be unlawful for any person to knowingly authorize or employ any person to cause the placing, posting or affixing of any sign not exempt pursuant this section upon a public sidewalk, building, fence, wall, boardwalk, pole or other object or structure located upon a public sidewalk, swale area or median within the city.

Definitions. For the purpose of this section the following words shall have the following meanings:

Extra ordinary effort. Labor and or material shall mean where a city employee cannot remove the signs by simply standing on the public right-of-way and pulling on the sign for its removal, extra ordinary effort, labor and material include having to scrape, pry, with a device, and or reach with a ladder or lifting device, and or require more than one individual for removal, and or require patching or painting, or in the case of attachment to landscaping require special treatment to the trees or plant material to which it was attached.

Median shall mean that area of the street between vehicular traffic lanes and improved by concrete and/or landscaping.

Offense shall mean either an uncontested notice of violation issued by a Code Compliance Officer or a finding of violation by a Special Magistrate.

Person shall mean any individual, trust, labor union, partnership, limited partnership, corporation or other business entity.

Public shall mean owned, operated or controlled by a governmental entity.

Sidewalk shall mean the area located between a curb line or lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sign shall mean any handbill, poster, advertisement, or other written or printed message or other communication.

Swale area shall mean that area between the property line and the back of the street curb on the edge of the paved roadway.

Exemptions. The following shall be exempt from this section.

Official traffic signs, information signs and warning signs erected by a governmental agency and temporary signs indicating danger.

Temporary special public event directional signs approved pursuant to article IV of this chapter.

Enforcement by Code Compliance Officers; Notice of Violation. If a Code Compliance Officer finds a violation of this article, such Code Compliance Officer shall issue a notice of violation to the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to do so shall constitute an admission of the violations and waiver of the right to a hearing.

Civil fines for violators. The following civil fines shall be imposed for each violation of this article:

- (1) First offense . . . \$ 50.00
- (2) Second offense (within one year of the first offense) . . . \$150.00
- (3) Third offense/additional offenses (within one year of the first offense) . . . \$500.00
- (4) First offense for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . \$150.00
- (5) Second offense (within one year of the first of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . \$300.00
- (6) Third offense/additional offenses (within one year of the first offense) for illegal sign(s) in the public right-of-way affixed with an adhesive, glue, staples, tacks or nails that require extra ordinary effort, labor and materials to remove . . . \$500.00

Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.

(a) A violator who has been served with a notice of violation shall elect either to:

Pay the civil fine in the manner indicated on the notice; or

Request an administrative hearing before a Special Magistrate appointed by the City Manager to appeal the decision of the Code Compliance Officer which resulted in the issuance of the notice of violation.

The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in procedures established by the Code Compliance ordinance.

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 from 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 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.

Any party aggrieved by the decision of the Special Magistrate may appeal that decision to a court of competent jurisdiction.

Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.

A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.

Injunctive relief. As an additional means of enforcement, the city may seek injunctive relief and/or follow procedures to revoke an occupational license/certificate of use when there are repeated violations of these land development regulations.

Removal of signs. The city may cause the removal at the violator's expense of signs posted in violation of this section pursuant to the provisions of this chapter.

Sec. 101-03. Special public event directional signs.

(a) Special public event directional signs are signs directing the public to a city approved/sponsored activity open to the public on city property. Signs may be any type as determined to be structurally safe by the Building Official.

(b) The maximum number shall not exceed five citywide; however, there shall be no more than one sign per street frontage on any block.

(c) The maximum size shall be determined by the Planning and Zoning Director.

(d) Signs may be erected up to two weeks prior to such event for public announcement purposes and be maintained for the duration of the event. Signs shall be removed within two (2) days after the completion of the special public event.

(e) The special public event sponsor shall be responsible for providing acceptable proof of insurance and indemnification. The name of a company or product providing sponsorship may be a prominent feature of the sign. However, general advertising signs are not permitted.

Section 3. Severability. That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and

that the word "Ordinance" shall be changed to "Section "or other appropriate word.


Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Absent
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon FIRST READING the 14th day of September, 2007.

PASSED AND ADOPTED upon SECOND READING the 10TH day of October, 2007.




JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY