

ORDINANCE NO. #2006-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED "ELECTION SIGNS"; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral does not currently have a comprehensive sign ordinance that address election signs; and

WHEREAS, the City of Doral believes that it is necessary to have a election sign ordinance in place for the upcoming fall election; and

WHEREAS, the City of Doral seeks timely removal of political signs after an election; and

WHEREAS, the City Council of the City of Doral has sought to enhance the aesthetics of the City of Doral community; and

WHEREAS, the City Council through the adoption of this ordinance seeks to strike a balance between regulating the placement, size, number and time of duration of election signs;

NOW, THEREFORE, BE IT ORDAINED BY THE 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 new ordinance of the City of Doral, entitled, "Elections Signs," shall be and it is hereby created to read as follows:

ARTICLE I ELECTION SIGNS

Sec. 1-1 Definitions.

- (a) “Election Signs” are signs announcing political candidates seeking public office or advocating positions relating to ballot issues.
- (b) “Public Property” means all publicly owned property, including streets, rights-of-way, and easements.

Section 1-2. General Provisions.

The purpose of this Chapter is to promote the public health, safety and welfare through the regulation of placement, size, type, and removal of election signs.

- (a) It shall be unlawful for any person to post an election sign upon any public property in the city including, but not limited to, signs posted for any local, county, state, national, or special district elections. Unlawfully posted signs on public right-of-way shall be subject to removal by the city immediately.
- (b) Election signs shall be permitted in all zoning districts. Election signs shall be placed at least five (5) ft. from the right-of-way.
- (c) No more than one (1) election sign per candidate, measure or issue shall be permitted on any one (1) private property site unless it is on a corner lot, in which case two (2) signs per candidate, measure, or issue may be placed.
- (d) The maximum size of any election sign shall not exceed four (4) square feet in area and four (4) feet in height in residential districts. Elections signs in non-residential districts shall not exceed four (4) square feet in area and shall not exceed six (6) feet in height.
- (e) Election roof signs, banners or balloons are prohibited in all districts. Election signs attached to or placed on public or private property shall be prohibited.
- (f) All election signs shall be removed seven (7) calendar days subsequent to the election for which they relate.

Sec. I-3. Pre-Election Requirements.

- (a) Prior to the posting of elections signs, each candidate, campaign chairperson, firm or corporation shall file with the City' Clerk's Office and provide the local address and telephone number at which the candidate, campaign chairperson, firm or corporation wishing to post the signs may be reached during normal business hours concerning any violations of this chapter or requirements of the city.
- (b) A cash bond of five hundred dollars (\$500.00) shall be required from each election campaign. This bond shall be conditioned upon the removal of all political signs of that candidate or issue within seven (7) calendar days of the election to which they relate. Failure to remove all the signs shall be cause for the City Manager or his designee to direct that the signs be removed by the City and the bond forfeited. The cash bond may be waived by the City Clerk's Office, in its discretion, when and if the candidate is able to show good cause that posting the cash bond would result in considerable financial hardship. Burden is on the candidate to demonstrate that requiring the posting of the bond would result in a considerable financial hardship.
- (c) The cash bond shall be returned upon timely request from the election campaign and verification from the Code Compliance Division that all elections signs have been removed within the time limits of this code. Successful candidates in nominating or elections may continue to display their signs during interval between the nominating or primary and general elections without posting an additional bond.

Sec. I-4. Display of signs on election advertising vehicles prohibited; penalties

- (a) It shall be unlawful for any person to operate an election advertising vehicle upon any street under the city's jurisdictions. An election advertising vehicle is any wheeled conveyance designed or used for the primary purpose of displaying election and/or campaign signs. Election advertising vehicles shall not include or attach any trailers or haul any other vehicle or trailer. This section shall not apply to :
 - (1) Private vehicles which have no more than two (2) signs safely displayed, the size of which shall comply with Section I-2.
 - (2) Mass transit, public transportation (including, but not limited to buses)
 - (3) Taxicabs;

- (b) Penalties. A violation of Subsection I-4 shall be subject to a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or both such fine and imprisonment.

Sec. I-5. Enforcement Procedures.

- (a) Any violation or repeat violation of this code may be pursued by the Code Enforcement Division by any means available by law or equity, at the option of the City Manager or his designee. Any person or campaign violating this section shall be issued a civil violation (citation) in the amount of one hundred dollars (\$100.00) per violation in accordance with the Code Compliance Section of this chapter.
- (b) After twenty-four hours (24) notification is given to the campaign chairperson or designee, the City Manager or his designee may draw on the bond placed pursuant to this section towards the payment of any delinquent penalties which are assessed by the City for any violations of the provisions herein. Notification shall be deemed legally sufficient upon the City, during regular business hours, attempting to contact by telephone the number by which the chairperson or designee filed with the City Clerk's Office. Notification shall not be required within forty-eight (48) hours of the election. Penalties may be assessed immediately upon violation within forty-eight (48) hours of an election.

Section 3. Severability. That if any section, subsection, sentence, clause, Phrase, work 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 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 Councilwoman Ruiz who moved its adoption. The motion was seconded by Vice Mayor Cabrera 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	Absent
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 14th day of June, 2006.

PASSED AND ADOPTED upon second reading the 28th day of June, 2006.




JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA-HILL, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY
Jacob G. Holowitz