

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Steven Meiner
DATE: January 20, 2022

SUBJECT: REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE - DISCUSSION REGARDING AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE III, ENTITLED "GRAFFITI," BY AMENDING DIVISION I, ENTITLED "GENERALLY," BY AMENDING SECTION 70-125 THEREOF, ENTITLED "RESPONSIBILITY OF PROPERTY OWNER(S) TO ABATE GRAFFITI; GRAFFITI ABATEMENT AND NOTICE; ENFORCEMENT," BY AMENDING THE RESPONSIBILITIES OF PROPERTY OWNERS WITH REGARD TO THE REMOVAL OF GRAFFITI, THE TIMEFRAME IN WHICH SUCH REMOVAL MUST BE ACCOMPLISHED, AND THE NOTICE PROVISION THEREIN; BY AMENDING SECTION 70-126 THEREOF, ENTITLED "APPEAL," BY MODIFYING THE APPEAL PROCEDURE AND TIMEFRAME WITHIN WHICH AN APPEAL MUST BE REMITTED TO THE CITY; AND BY AMENDING SECTION 70-127 THEREOF, ENTITLED "COST OF GRAFFITI REMOVAL AS LIEN ON PROPERTY; COLLECTION, FORECLOSURE AND SALE," BY AMENDING THE CITY'S ABILITY TO REMEDY UNABATED GRAFFITI AND RECOVER THOSE COST(S) INCURRED IN REMEDYING SUCH UNABATED GRAFFITI; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ANALYSIS

As the sponsor of this agenda item, I would request that the Neighborhood and Quality of Life Committee ("NQLC") discuss the City's potential enactment of an Ordinance to expedite the timeframe within which property owners (both commercial and noncommercial) must abate/remove graffiti from their property.

Graffiti is a blight on the City and depreciates the value of the defaced property as well as the surrounding neighborhood. Additionally, graffiti etching acid on surfaces poses a health and safety risk when coming in contact with the public.

The immediate removal of graffiti is the most effective deterrent to its reoccurrence and/or the proliferation of graffiti, particularly on vacant properties. As such, the City Administration is prepared to recommend an amendment to the City Code reducing the timeframe within which

a property owner (or such property owner's agent or manager) must remediate graffiti.

Presently, commercial properties have seven (7) business days to abate graffiti, except etched graffiti which must be abated within twenty (20) business days. Noncommercial property owners have ten (10) business days to abate graffiti, except etched graffiti which must be abated within thirty (30) days.

In order to preserve the integrity of the commercial and residential neighborhoods in the City, including its historically designated districts, and to protect the health, safety and welfare of the general public, the City Administration believes that more stringent measures with regard to graffiti removal and abatement are needed to serve and protect the best interests of the citizens of Miami Beach and to promote and maintain the aesthetic appearance of the City.

SUPPORTING SURVEY DATA

N/A.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Steven Meiner