

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission
Jimmy Morales, City Manager

cc: Rafael Granado, City Clerk

From: Raul J. Aguila, City Attorney 

Date: September 13, 2017

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," ARTICLE III, "USE OF PUBLIC PROPERTY," DIVISION 1, "GENERALLY," TO CREATE SECTION 82-71, ENTITLED "CITY MUNICIPAL PARKING GARAGE ADVERTISING," TO AUTHORIZE THE INSTALLATION OF ADVERTISING SIGNS OR AN ADVERTISING SIGN PROGRAM IN CITY MUNICIPAL PARKING GARAGE FACILITIES, AND TO PROVIDE FOR EXCEPTIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

Pursuant to the request of Vice Mayor Ricky Arriola, the attached Ordinance has been placed on the September 13, 2017 City Commission meeting agenda for first reading.

Also on the September 13, 2017 agenda is a Resolution approving an agreement with Lambda Lambda Sigma LLC d/b/a Alchemy Media, pursuant to RFP No. 2017-081-WG, for the implementation, management, and operation of City municipal parking garage advertising services (the "Agreement"). In order to effectuate the Agreement, the City Code amendments set forth in the attached Ordinance are necessary. The Ordinance amends Chapter 82, entitled "Public Property," by creating Section 82-71, to authorize the installation of advertising signs or an advertising sign program in City municipal parking garage facilities. Notwithstanding the preceding, the Ordinance prohibits (i) advertising signs on municipal parking garage facility facades, except at a garage entrance or exit, and (ii) advertising signs above the first floor in any location where such sign may be visible from the right-of-way.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," ARTICLE III, "USE OF PUBLIC PROPERTY," DIVISION 1, "GENERALLY," TO CREATE SECTION 82-71, ENTITLED "CITY MUNICIPAL PARKING GARAGE ADVERTISING," TO AUTHORIZE THE INSTALLATION OF ADVERTISING SIGNS OR AN ADVERTISING SIGN PROGRAM IN CITY MUNICIPAL PARKING GARAGE FACILITIES, AND TO PROVIDE FOR EXCEPTIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City has considered, in its proprietary capacity, to award an advertising contract for municipal parking garage facility, the proceeds of which program will be utilized for public school enhancements for the City's public schools; and

WHEREAS, Chapter 82, entitled "Public Property," provides for the regulation of signage within the public right of way; and

WHEREAS, the City seeks to amend Chapter 82 of the City Code to authorize the installation of advertising signs within City municipal parking garage facilities, excluding exterior parking garage facility facades above the first floor, and

WHEREAS, it is necessary to amend this chapter of the City Code to grant authority for advertising signs within municipal parking garage facilities; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 82, entitled "Public Property," at Article III, "Use of Public Property," Division 1, "Generally," at Section 82-71 of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

**ARTICLE III
USE OF PUBLIC PROPERTY**

De Q. L. 9-5-17
City Attorney Date
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