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BY HAND

The Honorable Tomas P. Regalado
Mayor
City of Miami
3500 Pan American Drive
Miami, FL 33133

Re: The Sign Code of Miami-Dade County Governs in the City of Miami

Dear Mayor Regalado:

Sadly, as everyone well knows, the City of Miami has shamefully shirked its legal and moral obligation to enforce the countywide Sign Code, which since 1985 has articulated minimum requirements for all forms of outdoor advertising, including signs within every municipality. The City's obligation is stated in the very first paragraph of Chapter 33, Article VI, of the County Code: "When the provisions of this article are applicable to a municipality, the municipality shall be responsible for enforcement."

To the absolute contrary, since 2003 the City of Miami repeatedly has become a business partner with a succession of outdoor advertising companies. The City has "authorized" the unlawful erection and installation of many, many dozens of signs that manifestly violate County Sign Code standards. The City has a tawdry history of perverse, profit-sharing arrangements with advertising scofflaws, which was accurately summarized in a Miami Herald op-ed article published last September, a copy of which is first attached for your convenience (marked "A").

Second attached, for your further convenience, is a copy of the written opinion issued last week by the Miami-Dade County Attorney (marked "B"). I have highlighted on

your copy elements of the opinion most germane to the City of Miami. To quickly summarize them:

1. The County Sign Code governs as a comprehensive set of minimum standards in the City of Miami, and imposes a responsibility on the City to enforce ALL of it - not to "authorize" violations of it. The City may enact more stringent sign regulations in its own municipal code, but it may NOT enact sign rules that are more lenient than the County's standards in any respect.
2. When the City opted out of the County Sign Code's Division 5, the City expressly did NOT opt out of ANY of the Sign Code's other six divisions and ALL of the requirements contained therein. Those still-in-effect Sign Code rules govern size, spacing, height, illumination, programmability and every other aspect of all signs throughout the City.
3. The dozens of programmable, LED installations "authorized" by the City on billboards along downtown Miami expressways and on other roadways in a variety of Miami neighborhoods are ALL in violation of the Sign Code. ALL OF THEM!
4. The Sign Code's 10 requirements for lawful, programmable signs continue to apply throughout the City of Miami. For your further convenience, I have third attached a copy (marked "C") of those 10 minimum criteria for any programmable sign to be legal in Miami-Dade County, including anywhere within the City of Miami.
5. The ordinance recently adopted by the Miami City Commission on first reading (Agenda Item FR.3 on April 12), which purports to "authorize" programmable signs on the James L. Knight Center, The Olympia Theater and Building/Gusman Center for the Performing Arts, and the Miami Children's Museum buildings, clearly violates the Sign Code of Miami-Dade County, in at least one respect if not others as well:

One of the 10 requirements for a programmable sign to be legal is that the property at which it is located be at least 10 acres in size. For your further convenience, I have attached copies (respectively marked "D," "E" and "F") of the official data, of record on the Miami-Dade County Property Appraiser's website, for the Knight Center, the Gusman and the Children's Museum. The Lot Size for the Knight Center is shown as zero; however, based on actual lot sizes shown for other, nearby properties, I estimate the Knight Center's property size to be less than 3 acres. The Lot Size for the Gusman is shown as 21,477 square feet, or 0.49 acres. And although the Lot Size for the street address of the Children's Museum is shown as 18.41 acres, it is clear from the

site outline that the Museum's actual, leasehold interest is far, far less than the County Sign Code's required 10-acre minimum.

It is clear and compelling that none of the three specified buildings contained in the City's ordinance meets the Sign Code's requirements for legality. Please have that misguided proposed ordinance withdrawn at once.

Mr. Mayor, as so many of us have said so many times before, you and your City Commission colleagues may not make legal by municipal action that which is illegal by the governing Sign Code of Miami-Dade County. The City Attorney may wish to advise you regarding the significant risk to the City, its reputation and its financial resources if the City were to continue to knowingly take official actions that clearly violate the governing Sign Code of Miami-Dade County.

Meantime, please have the City's code enforcement officers immediately issue notices of violations for all of the signs that EVERYONE knows are illegal. And please stop the shameful and embarrassing behavior by the City of Miami, with regard to its chronic allegiance to those lawless elements of the outdoor advertising industry. How about allegiance to the "Rule of Law" for a change?

Sincerely,

Barbara K. Bisno, Esq.

Attachments

cc: The Hon. Francis Suarez, Chairman, Miami City Commission
The Hon. Marc D. Sarnoff, Vice Chairman, Miami City Commission
The Hon. Frank Carollo, Member, Miami City Commission
The Hon. Michelle Spence-Jones, Member, Miami City Commission
The Hon. Wifredo "Willy" Gort, Member, Miami City Commission
Mr. Johnny Martinez, P.E., City Manager
Julie O. Bru, Esq., City Attorney
The Hon. Carlos A. Gimenez, Mayor, Miami-Dade County
The Hon. Joe A. Martinez, Chairman, Board of County Commissioners
The Hon. Audrey Edmonson, Vice Chair, Board of County Commissioners
The Hon. Barbara J. Jordan, Member, Board of County Commissioners
The Hon. Jean Monestime, Member, Board of County Commissioners
The Hon. Sally A. Heyman, Member, Board of County Commissioners
The Hon. Bruno A. Barreiro, Member, Board of County Commissioners

The Hon. Rebeca Sosa, Member, Board of County Commissioners
The Hon. Xavier L. Suarez, Member, Board of County Commissioners
The Hon. Lynda Bell, Member, Board of County Commissioners
The Hon. Dennis C. Moss, Member, Board of County Commissioners
The Hon. Senator Javier D. Souto, Member, Board of County Commissioners
The Hon. Jose "Pepe" Diaz, Member, Board of County Commissioners
The Hon. Esteban L. Bovo, Jr., Member, Board of County Commissioners
Mr. Jack Osterholt, County Deputy Mayor
Ms. Inson Kim, County Director of Policy and Legislative Affairs
Mr. Charles Danger, P.E., County Permitting, Environment
and Regulatory Affairs Department
Robert A. Cuevas, Jr., Esq., County Attorney
Craig Coller, Esq., Assistant County Attorney
Thomas Robertson, Esq., Assistant County Attorney
Ms. Myriam Marquez, Editorial Page Editor, The Miami Herald
Ms. Martha Brannigan, Staff Writer, The Miami Herald
Ms. Patricia Mazzei, Staff Writer, The Miami Herald
Mr. Charles Rabin, Staff Writer, The Miami Herald
Mr. Andres Viglucci, Staff Writer, The Miami Herald
Mr. Michael Lewis, Publisher, Miami Today
Ms. Jacquelyn Weiner, Staff Writer, Miami Today
Mr. Tim Elfrink, Managing Editor, New Times
Ms. Beatriz Baldan
William D. Brinton, Esq.
Murray H. Dubbin, Esq.
Mr. Adam Dunshee
Mr. Peter R. Ehrlich, Jr.
Ms. Barbara Falsey
Mr. Herb Frank
Ms. Sallye Jude
Mr. Nathan Kurland
Mr. Ernest Martin
William S. Pollak, Esq.
Ms. Grace Solares