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Memorandum

To: Robert A. Cuevas, County Attorney

Date: April 4, 2012

From: 
Barbara J. Jordan, Commissioner
District 1

Subject: Sign Code Opinion

I am writing to obtain your written opinion regarding various aspects of the Sign Code of Miami-Dade County (the "Sign Code"). I would appreciate your response at your very earliest opportunity:

1. Does the Sign Code apply within every municipality of Miami-Dade County (the "County"), as well as throughout the County's unincorporated area? In other words, does the Sign Code create countywide minimum standards for all forms of outdoor signage, allowing individual cities to be more restrictive than the Sign Code – but not more lenient than the Sign Code – with regard to specific regulations contained within their respective municipal codes?

2. Several municipalities have availed themselves of the County's 2007 Sign Code amendment allowing any city to affirmatively "opt out" of Division 5 of the Sign Code. By opting out of Division 5, did those municipalities opt out of Division 1, 2, 3, 4, 6 and/or 7 of the Sign Code? In other words, even in those municipalities that opted out of Division 5, does the entire remainder of the Sign Code still apply within each of those municipalities?

3A. Automatic electric changing signs, or programmable signs, are regulated at Section 33.96.1 of the Sign Code. Do those 10 minimum requirements still apply within every County municipality, even if a municipality has opted out of Division 5 of the Sign Code?

3B. Many programmable signs have been installed in recent years on billboard faces, some of which are located along expressways and some of which are located along arterial or even minor roadways.

ATTACHMENT 1

Each land area for all of those billboards with programmable sign faces is smaller than ten (10) acres in gross size. And few, if any at all, of the products and services advertised on those programmable sign faces are available for purchase at the location of those billboards. Given those facts, are those programmable signs on those billboards legal, regardless of their location?

3C. The City of Miami (the "City") has pending legislation that would "authorize" the installation of programmable signs (defined as signs with a "change of copy") on the exterior of three, specified buildings on City-owned property. Two of those buildings are located on land areas smaller than ten (10) acres in gross size. Would such programmable signs installed on those two buildings located on properties of less than ten (10) acres be legal?

3D. If a programmable sign were to be installed on the exterior of a building on City-owned property that is ten (10) acres or larger in size, could that programmable sign legally advertise goods and services not available for purchase at that building's address?

3E. The County-owned American Airlines Arena has a programmable "media mesh" sign installed on its west face, facing Biscayne Boulevard. If the media mesh were to advertise goods and services not available for purchase at 601 Biscayne Boulevard, would the media mesh be operating in compliance with the Sign Code?

4. At the beginning of Division 2, the Sign Code states: "Only those signs that are specially [sic; when originally adopted in 1985, that word read "specifically"] authorized by this sign code shall be permitted. Those that are not listed or authorized shall be deemed prohibited." I do not find the words "light-emitting diode" or "LED" anywhere in the Sign Code. (By comparison, I find the word "incandescent" and a maximum nine (9) watts of illumination within the standards for programmable signs.) Are signs that utilized LED technology in compliance with the Sign Code, inasmuch as that type of sign is not specifically authorized or listed anywhere in the Sign Code?

5. What is the maximum daily fine that can be assessed against a Class C commercial billboard found to be in violation of the Sign Code? What is the maximum daily fine that can be assessed against a Class C mural sign found to be in violation of the Sign Code? What is the maximum daily fine that can be assessed against a programmable sign found to be in violation of the Sign Code? When was the last time a fine was assessed against a sign in each of those categories, and please provide the details of the notice of violation, the assessment and the collection for each (if any).

Thank you for your prompt assistance. Receipt of your opinion prior to April 12 would be greatly appreciated.

cc: Honorable Carlos A. Gimenez, Mayor
Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners