



**ORDINANCE # 2013- 08**

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING SECTION 14.0 "SIGNS" REGULATION OF ZONING ORDINANCE 282 BY RECLASSIFICATION OF ALL SIGNS PERMITTED AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of West Miami ordained and codified a Sign Ordinance which is included in Ordinance 282 of the City of West Miami, and

**WHEREAS**, Ordinance 282 as ordained in the City Code of the City of West Miami has outlived the ambiance and character of the present City of West Miami, and

**WHEREAS**, the City Commission instructed the Planning and Zoning Board to review and make adequate recommendations to bring to date the Sign Ordinance of the City of West Miami, and

**WHEREAS**, the Planning and Zoning Board devoted five sessions over a period of months to review, and

**WHEREAS**, the Planning and Zoning Board has suggested changes to the sign section of Zoning Ordinance 282.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA AS FOLLOWS:**

**SECTION 1.** Section 14 of Zoning Ordinance 282 shall be amended by a new section labeled Section 22. Any portion of Section 14 not amended by this Ordinance shall become a part of Section 22 and Section 14 shall intentionally left blank.

**SECTION 2.** Section 22 shall be added to Zoning Ordinance 282 of the City of West Miami, and shall read as follows:

## PART I

### SIGNS

#### Sec. 22-1. Definitions.

Unless the context clearly shall require otherwise, the terms used herein shall have following meanings, the singular shall include the plural and the gender shall be constructed to be masculine or feminine neutral.

(a) **Banner Signs:** Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper or fabric.

(b) **Billboard Signs;** A sign advertising a product or service, including entertainment or candidacy, which product or service is not available for sale or performance at the place where the sign is located.

(c) **Cantilever:** A horizontal projection of a building supported wholly by the building.

(d) **Cantilever Sign:** A sign mounted on a cantilever which does not extend more than 18" above the top of the building wall.

(e) **Detached Sign:** A sign affixed to the ground, no part of which is attached to or on a building.

(f) **Direction Flow Sign:** Neon illuminated sign which neon goes on and off so as to create the illusion of starting from a point and continuing to a point and/or making a circuit. Provided that no part of the sign may flash on or off more than one hundred twenty (120) times per minute, nor may it make its complete circle, and/or circuit, from beginning to end more than the number of times as computed by dividing one-third into the number of times of the flash of any of its component part or parts. (For example: A sign consisting of seventy-five (75) flashing parts, each of which flashes one hundred twenty (120) times per minute, portrays a figure moving from the left side of the sign to the right side of the sign. The cycle of the figure in moving from the left side of the sign to the right side of the sign would be limited for forty (40) time per minute - one third (1/3)of one hundred twenty (120).

(g) **Flashing signs:** Defined as any sign wherein all or any part thereof turns on and off in any sequence, such sequence shall be limited to no more than forty times per minute. The sequence count shall include each separate time any part of the sign turns on and off.

(h) **Flat signs:** A sign erected parallel to the face of the outside wall of building and supported throughout by such wall and shall include a sign applied flat against wall or painted on such outside wall.

(i) **Flowing Sign:** A sign illuminated by incandescent bulbs which brighten and dim in a pattern so as to give the appearance of movement of light.

(j) **Horizontal Projecting Sign:** A sign projecting from the outside wall of a building the greater dimension of which is along the horizontal projection.

(k) **Marquee:** A structure projecting from and supported by a building and having an independent roof and drainage provisions, customarily erected over a doorway as a protection against the weather.

(l) **Marquee Sign:** A sign attached to or hanging from a marquee.

(m) **Owner.** The person owning the fee simple title to the property upon which a sign is located, which sign requires a permit hereunder.

(n) **Permittee:** The person in possession or having the beneficial use of property upon which a sign is located for which a permit is required.

(o) **Person:** Any individual, association, firm, corporation, partnership, joint venture, or other legal entity.

(p) **Pole Sign:** A sign supported by one or more pole and which is wholly or partially independent of a building. Pole shall include post, column, pyramid or other extension from ground level, regardless of the material from which is made. (See: Detached Sign)

(q) **Political Sign:** As defined in Sec. 24-1(a).

(r) **Pylon:** A vertical or horizontal extension of any face of a building constituting an integral part of the building structure.

(s) **Pylon Sign:** A flat sign attached to or painted on the face of a pylon.

(t) **Revolving Sign:** A sign supported by one or more poles and which is wholly or partially independent of a building, and all or any part thereof turns or revolves in a circle or a part of a circle then returning to its original position. Pole shall include post, column, pyramid or other extension from ground level regardless of the material from which is made.

(u) **Roof Sign:** A sign supported by an independent structure fastened to or supported by the roof of a building.

(v) **Sign:** Any out-of-door display or characters, letter, illustrations, or ornamentations including the complete structure on which any such characters, letters, illustrations, or ornamentations are supported or applied; except that guy wires and their anchorages and the poles of pole signs shall not be considered part of a sign

(w) **Sign Area:** That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line or background of the sign, whichever line includes the larger area.

(x) **Sign Erector:** Any person engaged in the painting or application of signs on windows, doors, walls, awning, or elsewhere where such signs involve no structural framework or electric power.

(y) **Sign Writer:** Any person engaged in the painting or application of signs on windows, doors, walls, awnings, or elsewhere where such signs involve no structural framework or electric power.

(z) **Snipe Sign:** A sign, usually small, of any material including, but not limited to, paper, cardboard, wood or metal attached to any object and having no application to the premises where located.

(aa) **Sparkling Sign:** Any sign which is illuminated by incandescent bulbs which brighten and dim to give an appearance of no definite pattern, but, however, gives the appearance of sparkle.

(bb) **Vertical Projecting Sign:** A sign projecting from the outside wall of a building, the vertical dimension of which equals or exceeds its horizontal dimension.

#### **Sec. 22-2. Non-Conforming Sign Prohibited.**

It shall be unlawful for any person to erect, construct, reconstruct, or to alter structurally any sign which fails to conform to the provisions of this ordinance within the limits of the City of West Miami.

#### **Sec. 22-3. Sign Restrictions in Residential Districts.**

No sign will be allowed in any "R" District within the City of West Miami except the following.

(a) **Municipal Signs:** that is, a sign containing only the name and occupation of the professional person occupying the premises upon which the sign is displayed, which sign shall not exceed one square foot in size. Only one such sign shall be permitted for each dwelling unit.

(b) **Professional Signs:** that is, a sign offering the sale or rental of the premises or indicating actual construction only. Only one such sign shall be permitted upon the premises and shall not exceed two (2') feet in height, and two (2'') feet in width, except that where the property faces more than one street one such sign shall be permitted for each street frontage.

(c) **Real Estate Signs:** that is, a sign offering the sale or rental of the premises or indicating actual construction only. Only one such sign shall be permitted upon the premises and shall not exceed two (2') feet in height, and two (2') in width, except that where the property faces more than one street one such sign shall be permitted for each street frontage.

(d) **Traffic and Directional Signs:** That is, any sign deemed necessary for traffic control or public safety by proper governmental authorities.

(e) Political signs are defined in paragraph 2 of this Ordinance.

(f) The support for any sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half (1/2) of the circumference by the height of the sign.

#### **Sec. 22-4 Sign Restrictions in Multi-Family Districts:**

No sign will be allowed in the City of West Miami in any "A" District except the following type signs:

(a) Signs permitted in "R" Districts.

(b) Apartment houses, clubs, convalescent homes. Only one sign may be displayed on the premises advertising any apartment house, club, or convalescent home which sign shall not exceed twenty-four (24) square feet in area and may contain only the name of apartment house, club or convalescent home; provided, however, an apartment house or club may also display a sign not exceeding eight (8) square feet in area indicating a vacancy or the availability of a dining room or cocktail lounge.

(c) Signs denoting construction as provided in Section 22-5(c) and future construction as provided in Section 22-7(b).

## **Sec. 22-5. Sign Restriction on Business or Commercial Property.**

It shall be unlawful for any person to erect, construct or structurally alter any sign in an area zoned for business or commercial uses except in connection with the advertising of the building or property, or of a product or service sold, dispensed, or rendered on, in, or from the premises on which the sign is located and may not exceed thirty percent (30 %) of the front elevation and unless such sign shall comply with restrictions herein contained.

(a) No sign shall be placed on the side or at the rear of the business property so as to face abutting residential property or direct light or illumination upon such abutting residential property.

(b) One sign not exceeding forty-eight (48) square feet in area may be displayed during construction on any business or apartment property while such construction is in progress, which sign may set forth the following:

- (1) Offer of sale or lease.
- (2) Name, address, and phone number of contractor.
- (3) Name, address, and phone number of architect.
- (4) Name of owner.
- (5) Name of broker, if any
- (6) Name if sub-contractors and suppliers of material.

(c) No sign shall be erected or constructed in such manner as to obstruct any door, window, or fire escape of any building.

(d) No sign shall be erected closer to any overhead electrical conductor than five (5') feet where the difference in potential between any two conductors or between any one conductor and ground shall exceed two hundred forty (240) volts.

(e) The minimum distance from the bottom of pole or projecting signs shall be not less than nine (9') feet above grade.

(f) Business establishments shall erect upon the premises occupied by such business only one of the following types of signs: (1) Pole Sign; (2) Projecting Sign; (3) Cantilever Sign; (4) Detached Sign; provided, however, that where more than one business is located in a single building only one pole sign may be erected in front of such building advertising the establishment of such business.

**Sec. 22-6. Certain Signs Permitted in "C" Use Districts.**

In addition to other signs permitted in "C" Use Districts under this ordinance, revolving signs, sparkling signs, flowing signs, and directional flow signs are permitted in "C" Use District subject to the limitations of this ordinance as to classification and size of and number of signs permitted upon "C" Use District properties. All such signs shall be classified as to type and construction as provided herein.

(Ord. No. 319, 06-16-71)

**Sec. 22-7. Miscellaneous Restrictions.**

The following restrictions shall be imposed:

(a) **Motels and Hotels.** No motel or hotel shall display any sign which shall exceed in area the maximum prescribed for each sign as follows:

<u>Type of Sign</u>	<u>Maximum Area</u>
Detached Sign	50 square feet
Marquee Sign	50 square feet
Projecting Sign	50 square feet
Pylon Sign	50 square feet

(b) **Signs Denoting Future Construction.** A sign advertising future construction, not exceeding forty square feet in area in districts zoned for business or twenty-four (24) square feet in area in districts zoned apartment, may be displayed no closer than fifteen (15') feet from the front of lot line and from property under different ownership, for a period not to exceed sixty (60) days.

(Ord. NO. 319, 06-16-71)

**Sect 22-8. Sign Standards and Restrictions.**

(a) No sign shall be suspended across any public street, avenue, alley, or other public road.

(b) No sign shall be painted, posted, printed, nailed, or otherwise affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, or structure within the right-of-way of any street, avenue, alley, or other public thoroughfare, within the limits of the City of West Miami.

(c) No sign shall be attached to or displayed on or from any wall, window, door, gate, fence, or other structure in a district zoned for single family or two family occupancy

(d) No flat signs shall exceed thirty (30%) percent of the total area of the front elevation to which it is affixed, nor shall it project more than 12" from the face of the building by which it is supported and no more than 4" air space between sign and building. No flat sign shall extend above the parapet of the wall by which it is supported on any building having a flat roof. No flat sign shall extend above the eaves of a building having a pitched roof. In computing the area of a flat sign upon the wall or other face of a building, the area of doorways and windows shall be counted as part of the area of the wall.

(e) No permit shall be issued for any sign which proposes to display any obscene, indecent, or immoral matter. It shall be unlawful for any person to display upon any wall or other advertising structure any matte which is obscene, indecent, or immoral.

(f) **Horizontal Projecting Signs.** No horizontal projecting sign shall be allowed.

(g) **Vertical Projecting Signs.** No vertical projecting sign shall:

- (1) Exceed thirty percent (30%) of the total square feet of the front elevation.
- (2) Project more than two (2') feet from the building by which it is supported.
- (3) Exceed eighteen (18") inches in height.
- (4) Extend above the parapet wall of a building having a flat roof.
- (5) Extend above the eaves of a building having a pitched roof.
- (6) Extend over any public right-of-way.
- (7) Contain or utilize lighting exceeding one lumen per square foot of illumination.
- (8) Be attached for or supported by a frame building or the wooden framework of any building if it shall exceed ten (10) square feet in projected area or shall exceed fifty (50) pounds in weight.

- (h) **Roof Signs.** No roof sign shall be allowed.
- (i) The outer edge of a pylon sign shall not project or extend beyond the pylon.
- (j) Any sign mounted on the underside of a cantilever shall provide a minimum clearance of 9' between the lowest portion of the sign and the ground. Any sign mounted atop a cantilever, the top or roof of which is on the same place as the roof of the building, shall be deemed a roof sign and shall comply with all regulations herein relating to roof signs.
- (k) No permit shall be granted for the erection of a marquee sign the height of any part of which exceeds 6'.
- (l) Except where specifically provided to the contrary no business establishment shall erect upon the premises occupied by such business more than one sign of the following types of signs: (1) Pole Sign; (2) Projecting Sign; (3) Cantilever Sign; provided, however, that where more than one business is located in a single building only one pole sign may be erected in front of such building advertising the establishment of each business.
- (m) Where a pole sign or detached sign is so constructed that a person or child may walk under a portion thereof, or a vehicle may drive under a portion thereof, such portions of such sign must be at least nine (9') feet above grade. Pole signs and detached signs must be constructed so as not to obstruct pedestrian or vehicular traffic or constitute a hazard thereto.
- (n) No revolving sign shall be permitted to make more than ten (10) complete revolutions per minute or more than ten (10) moving sequences per minute if less than a complete revolution. Only constant illumination shall be permitted in such sign stand no flashing, sparkling, flow or any other intermittent illumination shall be permitted. Such signs shall not exceed thirty-five (35) square feet except that where the lot frontage exceeds fifty (50') feet the sign may contain an additional one-half (1/2) square foot for each additional foot of frontage up to a maximum of sixty (60) square feet.

#### **Sec. 22-9. Prohibited Signs.**

It shall be unlawful for any person to erect, construct or maintain within the City of West Miami any of the following signs:

- (a) Sign erected, constructed or affixed in violation of the provisions of this ordinance.
- (b) Sign, which fails to comply with the standards herein prescribed for the sign.
- (c) Billboard sign; or any sign advertising goods or services not sold or performed on the premises.
- (d) Snipe sign.
- (e) Sign which employ the word "Stop" or the word "Danger" as to imply the necessity for stopping or the existence of danger, or which by other means makes such implication.
- (f) Sign constituting an imitation of or purporting to imitate any official traffic signal or police caution device.
- (g) No illuminated sign shall face any residence nor shall any such sign cast illumination upon residential property.
- (h) Signs on a truck, bus, or other vehicle, while in use in the normal course of a business. This section does not permit parking of a vehicle to which signs are attached in a district where such signs are not permitted.

**Sec. 22-10. Detached Signs.**

- (a) Except as otherwise provided herein no detached sign shall be permitted in any zoning district of the City of West Miami other than a district Zoned "C".
- a) No detached sign shall exceed thirty-five (35') feet in height or fifty (50) square feet in calculated areas as determined by Section 22-2.
- (c) Detached sign shall be located so that the leading edge of the sign including any of the supporting members thereof, shall be set back not less than five (5') feet from any lot line abutting Southwest 8<sup>th</sup> Street and Southwest 57<sup>th</sup> Avenue, and Southwest 24 Street and SW 67 Avenue and not less than five (5') feet from any lot line abutting any other official right-of-way, and not less than five (5') feet from any side line or interior lots: provided, however, that no sign shall overhand any public sidewalk. The minimum distance shall be determined by a line from the leading edge of the sign, including any of the supporting members thereof, projected parallel to the ground to the point at which such line intersects with a perpendicular plane created by a projection of the property line.

- (d) No detached sign shall be located in any shopping center where the front building setback shall be less than 30' from the property line.
- (e) A detached sign may exceed twenty-five (25') square feet in calculated area in connection with a property having a frontage in excess seventy-five (75) lineal feet according to the following scale:

<u>Frontage in lineal feet</u>	<u>Calculated area of sign</u>
Over 75' but not over 100'	25 sq. ft. plus 1 sq. ft. per 2 lineal ft. in excess of 75'
Over 100' but not over 300'	50 sq. ft. plus 1 sq. ft. per 2 lineal ft. in excess of 100'
Over 300'	150 sq. ft. plus 1 sq. ft. per 2 lineal ft. in excess of 300' up to 300 sq. ft.

- (f) No detached sign shall exceed three hundred (300) square feet in calculated area.
- (g) No more than one detached sign having an area in excess fifty (50) square feet of area shall be placed in any location. Provided, however, a shopping center having a frontage of one hundred fifty (150) lineal feet or more may erect two sign in excess of fifty (25) square feet of calculated area, each of which shall conform to the above established scale.

Any detached sign shall be installed on the frontage upon which the area of the sign is calculated.

- (i) In addition to the above signs, the Manager may authorize the erection of directional signs denoting entrance, exit, and parking on the premises of the permittee where the safety and convenience of the public will be served. Such directional signs shall not exceed two (2) square feet of calculated area, and shall contain no advertising matter other than the name of the business at which it is located, which name may be included on the sign in letters no larger than those used for other legend on the sign.

**Sec. 22-11. Removal of Sign upon Cessation of Business.**

It shall be unlawful for any owner or Permittee to fail or refuse to remove any conforming or non-conforming sign, after ten (10) days of the service of written notice from the Code Inspector so to do, which advertises a business or product which has not been conducted or sold at the premises where the sign is located for more than (3) consecutive months prior to the date of said notice from the Building Inspector. The maintenance of any such sign after the ten (10) day period shall be deemed a nuisance and shall be abated as such. Provided, however, the decision of the Code Inspector may be reviewed by the Planning and Zoning Board upon application filed in writing within such ten (10) day period

**Sec. 22-12. Design and Construction.**

- (a) No permit shall be granted for the erection or construction of any sign unless such sign shall be designed to resist wind pressure in accordance with the provisions of Chapter 23 of the Florida Building Code.
- (b) No permit shall be granted for the erection or construction of any sign containing wood or other combustible material where such sign is to be erected or constructed in a business or commercial area of the City.
- (c) No sign shall be erected or constructed except in accordance with the design information filed with the Building Department and by use of materials as represented in the application for permit to the exclusion of any other materials.
- (d) No permit for a sign to be erected in a "C" Use Zoning District shall be issued until application therefore containing sketch of prepared sign shall have been submitted to and approved by the Planning and Zoning Board as to size, shape, colors, design and panoramic view of property and adjacent properties as they pertain to compatibility and suitability to the existing building and surrounding area. Any person aggrieved by a decision of said Board may appeal same to the City Commission in accordance with the procedure for appealing from decisions of the Board on applications for exceptions and variances, upon payment of the fees therein provided. The time for appealing the decision of the Board shall be 20 days from the date of the decision and the decision of the City Commission shall become final shall be as provided in this Ordinance with reference to appeals from exceptions and variances. The decision of the City Commission may be appealed to the Circuit Court of the 11<sup>th</sup> Judicial Circuit at the expense of the appellant.

**Sec. 22-13. Electrical Signs.**

- (a) The construction, reconstruction, and maintenance of all signs employing the use of electric current shall be in conformance with the applicable provisions of the Florida Building Code. No such sign shall be constructed, reconstructed, maintained, or operated in the City of West Miami unless plans for and location of same shall first have been approved by the Electrical Inspector of the Building Department and shall have been inspected and approved by him/her after construction or reconstruction.
- (b) No electric or neon sign shall be located so as to constitute a menace for life or property, and no neon sign shall be constructed or reconstructed so that any portion of the neon shall be closer to the ground than 9'.
- (c) Electrical signs shall be designed and constructed to prevent the trapping of rainwater and the accumulation of moisture around and upon any conductor, sockets, or other electrical equipment.

**Sec. 22-14.**

The following signs may be erected or constructed with a permit and in accordance with the structural and safety requirements of the Florida Building Code.

- (a) Changing of the copy on a bulletin board, poster board, display encasement, or marquee.
- (b) A temporary non-illuminated sign, not to exceed size provided for herein, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
- (c) Temporary signs not exceeding fifteen (15) days inside store window advertising merchandise for sale on the premises.

**Sec. 22-15. Temporary Signs.**

- (a) The City Manager, upon application, may issue temporary permits for the following signs and displays for a period of not exceeding thirty (30) days, when in his/her opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property.

- (1) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
  - (2) Special decorative displays used for holidays, public demonstrations, or promotion of none-partisan civic purposes.
  - (3) Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- (b) Pennants, banners, streamers, and all other fluttering; spinning or similar type signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States, and except for flags of bona fide civic, charitable, fraternal and welfare organizations, and except during nationally recognized holiday periods, pennants, banners, streamers, and other fluttering, spinning, or similar type advertising devices pertaining to said holiday periods may be displayed on a temporary basis with a permit as provided above in this article.

**Sec. 22-16. Bus Shelter, Trash Bin Signs and Advertising.**

When authorized by franchise agreement entered into by the City and franchisee, a franchisee is permitted upon obtaining a building permit, the right to construct, erect, install, repair and maintain Shelters at bus stop locations and Trash Bins on land owned or leased by the City or over which the City has obtained easements or use rights.

- (a) The City, upon resolution of the City Commission, may authorize the City Manager to execute a franchise agreement upon the behalf of the City, upon terms, conditions and safeguards imposed by the City Commission after public hearing. Such terms, conditions and safeguards shall include, but not limited to:
- (1) Designation and number of locations.
  - (2) Term of franchisee.
  - (3) Duties and obligations of franchisee.
  - (4) Rights of City to require removal of any advertising material which it believes to be offensive, not suitable or in disrepair.

- (5) Hold harmless agreement indemnifying City from any and all claims of whatsoever kind and nature including claims or actions alleging negligence on behalf of the City.
- (6) Requirement of compliance with all applicable rules, regulations, code, statutes and ordinance of every governmental agency, including Federal, State, County and the City of West Miami.
- (7) Liability insurance.
- (8) Maintenance and cleaning.
- (9) Payment of franchise fees.
- (10) Community service
- (11) Unilateral cancellation right of City

**Sec. 22-17. Digital Reader Boards and LED Boards**

Definition:

- (a) **Digital Reader boards:** A sectioned panel within an allowed sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. .
- (b) **Changeable Copy.** Copy that change at intervals of more than once every ten (10) seconds.
- (c) **LED or light emitting diode:** a semiconductor diode that emits light when conducting current and is used in electronic equipment, especially for displaying readings on digital displays, signs, etc.
- (d) **Movement Physical:** movement or revolution up or down, around, or sideways that completes a cycle of change at intervals of less than ten (10) seconds.
- (e) **Internal Illumination:** A light source that is concealed or contained within the billboard and becomes visible in darkness through a translucent surface.

- (f) **Foot candles:** a traditional unit of luminance or illumination, defined as the luminance received by a surface at a distance of one foot from a source of intensity. A foot candle is a unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
- (g) **Spacing:** Spacing of digital reader boards shall be the minimum distance between the reader board structures measured along the nearest edge of the pavement between points directly opposite the reader board along each side of the roadway and shall apply to any other reader board located on the same side of the roadway involved.

**Sec 22-18 Reader Board Regulations:**

1. New reader boards permitted.
2. **Size:** All reader boards shall be no greater than twenty-five (25 %) percent of the allowed thirty (30 %) percent of the front elevation of the building to a maximum of 100 square feet in area. Only a maximum of two reader boards' areas shall be permitted on any commercial property.
3. A Digital reader board may be internally illuminated. Digital reader boards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement. Each static message shall not include flashing, scintillating lighting or the varying of light intensity
4. **Lighting:**
  - A. No reader board shall be so illuminated that it interferes with the safety of any emergency vehicles in the vicinity of the reader board.
  - B. Illumination shall be such that it will provide reasonable illumination and eliminate glare and intensity which might pose safety hazards to drivers and pedestrians.
5. **Spacing:** All measurements shall be made parallel to the roadway between perpendiculars extended from the reader board locations in question:
  - A. Within the limits of the City of West Miami, no reader board shall be allowed within five (500) feet of an existing reader board located along the same side of the roadway within the City's jurisdictional line.

- B. Minimum setbacks: All reader boards and reader board structures must be located at least 5 feet from any property line adjacent to a commercial property and shall not be visible from any R1 or R2 zoned property and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign.

**Sec. 23. Penalties and Violations of this Sign Ordinance.**

- (a) A violation of the precepts of Part I of this Ordinance shall carry a fine of \$ 250.00 per day enforceable under the Code Enforcement procedure.

**Sec. 23-1 Permit Fees.**

\$75.00 for all sign permit applications for commercial property for permanent signs.

\$35.00 for all temporary signs for any commercial property for 30 day display and cannot be displayed consecutive months, not including political signs.

**PART II**

**Sec. 24. Political Signs.**

**Sec. 24-1. Definitions.**

Unless the context clearly shall require otherwise, the terms used herein shall have following meanings, the singular shall include the plural and the gender shall be constructed to be masculine or feminine neutral.

- (a) Election signs. Signs announcing political candidates seeking public office positions or advocating opinions relating to election ballot issues which exercise First Amendment Rights of individuals or groups to express their views.

**Sec. 24-2.**

Election signs shall be permitted in all zoning districts according with standards set forth herein.

**Sec. 24-3. Permits.**

No permit shall be required for political signs as described in this section.

**Sec. 24-4 Campaign Headquarters:**

Political signs noticing a campaign headquarter in commercial areas shall be allowed as follows:

- (a) There shall be no more than one (1) sign per campaign announcing political headquarters attached to the frontage of the office of any building of the candidate's campaign headquarters.
- (b) The campaign sign announcing the campaigns headquarter shall be of temporary nature and shall not exceed 36 inches by 120 inches.
- (c) The maximum height allowed of the sign announcing a campaign headquarters shall not exceed 0 feet above the building level.

**Sec. 24-5. Political Signs in Commercial Areas.**

- (a) There shall be no more than one (1) sign per candidate or ballot issued in each tenant or business place.
- (b) The political sign in any given commercial area shall be of temporary nature and shall not exceed 24 inches by 36 inches.
- (c) Signs may be displayed inside an establishment applied to the window of the establishment or if no windows, the sign shall be affixed to the entrance of the building or business.

**Sec. 24-6. Political signs permitted in single family residential areas.**

- (a) There shall be no more than one (1) sign per candidate or ballot issue except in corner lots as specified in section 24-6(d).
- (b) The sign may not exceed 24 inches by 36 inches in size.
- (c) The sign shall have a set back of a minimum of 10 feet from the public right-of way and shall be erected or placed no closer than 10 feet to the front of the property line.
- (d) In corner lots, two (2) signs shall be permitted each facing the street, with the same setback as Sec. 24-6(c).
- (e) An apartment in a building complex may affix a political sign of dimensions set forth herein in balconies of each apartment.

**Sec. 24-7. Prohibited Signs.**

- (a) It shall be unlawful for any person to post a political sign or elections sign upon any public property, right-of-way, or any other way prohibited in Part I of this Ordinance.
- (b) Illegal signs shall be removed by the City and a violation shall be issued pursuant to this Ordinance.
- (c) It shall be illegal to erect roof signs, banners or balloons.

**Sect 24-8. Duration.**

Campaign or political signs shall be permitted to be erected no more than 90 days prior to the date of the election and shall be removed no later than 7 days after the election except that a political sign shall be permitted to extend this time if the successful candidate issue goes from primary to a general election, at which time, signs shall be removed no later than 7 days from the general election.

**Sec. 24-9. Filing with City Clerk.**

Prior to posting election signs, each candidate shall file with the City Clerk's Office, providing a local address and telephone number for the sole purpose of noticing the candidate of sign violations or if sign constitutes a danger to the health, safety and welfare of the community.

**Sec. 24-10. Public Nuisance.**

- (a) Any temporary political sign not posted in accordance with the provisions in this section and any such sign which exists in violation of this ordinance shall be deemed a public nuisance and shall be subject to the imposition of a fine as stated in this Ordinance.
- (b) The candidate or issue depicted in the political sign shall be the responsible party of any violation of this Ordinance.

**Sec. 24-11. Construction Material and Maintenance.**

- (a) Sign posts shall be constructed of metal or approved plastic.
- (b) Signs shall be only constructed of metal or approved plastic.
- (c) All signs shall be maintained in good repair by the candidate.

- (d) Political candidates or advocates of issues or owners of businesses or residential properties shall be responsible for the injury or damage to third parties and shall hold the City of West Miami harmless of any such injuries.

**Sec. 24-12. Penalties.**

- (a) Failure to comply with all provisions contained in this Ordinance shall cause the signs to be impounded.
- (b) Signs located on private property shall be given a courtesy warning followed by a civil citation and fine if not in compliance with this Ordinance within three (3) days.
- (c) Any violation with this Political Signs Ordinance shall be enforced by the Code Enforcement Division by means available by law.
- (d) Any person or campaign in violation with this Political Sign Ordinance shall be issued a civil summons (citation) in the amount of \$250.00 per violation.
- (e) Notice to candidate or group advocating for any election issue shall be deemed legally sufficient upon the City during regular business hours attempting to contact by telephone at the number(s) being filed with the City Clerk.

**SECTION 3.** Any part of Section 14 not amended herein shall remain as originally ordained and in full force and effect.

**SECTION 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5. Inclusion in the Code.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the code of the City of West Miami, Florida as amended, which provisions may be renumbered or re-lettered and that the word ordinance be changed to "section," "article," or other appropriate word to accomplish such intention.

SECTION 6. This ordinance shall become effective upon its passage.

PASSED AND ADOPTED this 20<sup>th</sup> day of November, 2013.


APPROVED:

  
EDUARDO MUHINA, MAYOR

ATTEST:

  
ANNERY GONZALEZ, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
JOSE A. VILLALOBOS, CITY ATTORNEY

**Date of 1st reading:** August 21<sup>st</sup>, 2013  
**Date of publication:** September 18<sup>th</sup>, 2013  
**Date of 2nd reading:** November 20<sup>th</sup>, 2013

ROLL CALL VOTE:

MAYOR EDUARDO H. MUHIÑA	<u>Y</u>
VICE-MAYOR JUAN M. BLANES	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>
COMMISSIONER ELSA J. VAZQUEZ	<u>ABSENT</u>