

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: City Attorney Ricardo J. Dopico
DATE: July 24, 2024 11:00 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 3, ENTITLED "NEWSRACKS," BY CREATING SECTION 82-259, ENTITLED "NEWSRACKS AND NEWSPAPER STORAGE BOXES PROHIBITED IN THE CITY'S HISTORIC DISTRICTS"; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

ANALYSIS

At the request of the sponsor, Commissioner David Suarez, this proposed ordinance is presented to the Mayor and City Commission for your consideration.

The purpose of the proposed ordinance is to regulate the placement of newsracks and newspaper storage boxes on public rights-of-way within locally and nationally designated historic districts within the City of Miami Beach in order to maintain public safety, preserve the aesthetic character of the City, and ensure unobstructed pedestrian and vehicular traffic flow in the historic districts.

There are currently no newsracks or newspaper storage boxes with a valid City permit for placement on the rights-of-way in any historic district in the City of Miami Beach, though many unpermitted newsracks remain on the City's rights-of-way, often in dilapidated condition, which forces the Public Works Department to remove and dispose of the unpermitted and unsightly newsracks, as they deteriorate.

Unpermitted newsracks and newspaper storage boxes currently placed on the City's rights-of-way are, additionally, often left empty by their owners for long periods of time and are used by the homeless to store personal belongings and by drug dealers to facilitate narcotics transactions.

Although these deleterious effects caused by newsracks and newspaper storage boxes impact all of the City generally, the deleterious effects upon the City's historic districts, where the City has a heightened interest in maintaining public safety, preserving the aesthetic character, and ensuring unobstructed pedestrian and vehicular traffic flow, are particularly acute.

The City does not allow any other business, organization, or individual to place or maintain any other box, container, or product dispenser of any kind on any of the public rights-of way of the City. Multiple adequate alternative avenues of communication are available for the distribution of printed newspapers and other publications in the City and in its historic districts.

Therefore, in order to maintain public safety, preserve the aesthetic character of the City's historic districts, and ensure unobstructed pedestrian and vehicular traffic flow in these historic districts, the proposed ordinance prohibits the placement or continued presence of any newsracks or

newspaper storage box on public rights-of-way in any locally or nationally designated historic district within the City of Miami Beach.

A map of the City's historic districts is attached here and is available for online viewing at: <https://www.miamibeachfl.gov/city-hall/planning/maps-and-guidelines/>.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/5/2024. See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Commissioner Joseph Magazine