

ORDINANCE NO. _____

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.

WHEREAS, the purpose of this 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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 Mayor and City Commission prohibit the placement or continued presence of any newsrack or newspaper storage box on public rights-of-way in any locally or nationally designated historic district within the City of Miami Beach.

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

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY

* * *

DIVISION 3. - NEWSRACKS

* * *

Sec. 82-259. – Newsracks and Newspaper storage boxes prohibited in the City’s Historic Districts.

- (a) The placement or continued presence of any Newsrack or Newspaper storage box on any rights-of-way in any locally or nationally designated historic district within the City of Miami Beach is prohibited.
- (b) The Publisher of any Newsrack or Newspaper storage box currently placed on the City’s rights-of-way in any local or national historic district within the City shall be provided notice by the Department of the requirements of this section within ten (10) days of the effective date of this section and shall remove any prohibited Newsrack or Newspaper storage box within thirty (30) days of the effective date of this section
- (b) Any Newsrack or Newspaper storage box placed or remaining on the City’s rights-of-way in any local or national historic district within the City shall be removed by the Department, with the cost of removal and storage to be billed to the Publisher. If the Publisher does not pay the Department and retrieve the Newsrack or Newspaper storage box within ten (10) days, the Department may discard the Newsrack or Newspaper storage box and proceed with collection for the outstanding billed amount.
- (c) All other provisions of this division otherwise applicable to Newsracks and Newspaper storage boxes shall be inapplicable to any Newsracks and Newspaper storage boxes placed, maintained, or remaining in any historic district.

Secs. ~~82-259~~ 82-260—82-280. - Reserved.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of

this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

Underline denotes additions
~~Strike through~~ denotes deletions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

JD _____ 5/7/2024
City Attorney Date

RJR