

R5 R AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 86 OF THE MIAMI BEACH CITY CODE, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," BY AMENDING SECTION 86-58, ENTITLED "CONDITIONS FOR ISSUANCE," BY AMENDING SUBSECTION (A) TO PROVIDE THAT A GARAGE SALE PERMIT AS REQUIRED BY SECTION 86-56 SHALL BE ISSUED FOR A GARAGE SALE LOCATED IN ANY SINGLE-FAMILY RESIDENCE OR MULTIFAMILY BUILDING ON NO MORE THAN TWO OCCASIONS DURING ANY 12-MONTH PERIOD, AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 10:55 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 86 OF THE MIAMI BEACH CITY CODE, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," BY AMENDING SECTION 86-58, ENTITLED "CONDITIONS FOR ISSUANCE," BY AMENDING SUBSECTION (A) TO PROVIDE THAT A GARAGE SALE PERMIT AS REQUIRED BY SECTION 86-56 SHALL BE ISSUED FOR A GARAGE SALE LOCATED IN ANY SINGLE-FAMILY RESIDENCE OR MULTIFAMILY BUILDING ON NO MORE THAN TWO OCCASIONS DURING ANY 12-MONTH PERIOD, AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the subject Ordinance at first reading.

BACKGROUND/HISTORY

This discussion item was referred to the Public Safety and Neighborhoods Quality of Life Committee (PSNQLC) at the December 11, 2024 City Commission meeting and is sponsored by Commissioner Laura Dominguez.

Section 8-58 of the City Code allows for a garage sale permit for any single-family or multifamily residence building no more than one occasion during any 12-month period. Allowing garage sales twice a year would give residents more opportunities to sell excess belongings and free up valuable space in their homes.

This item was presented and discussed at the January 29, 2025 PSNQLC meeting; and the Committee unanimously voted that an Ordinance amendment, allowing garage sales to occur twice per year at single family and multifamily homes, be drafted for the next available City Commission meeting.

ANALYSIS

Single-family homes and multifamily buildings are currently permitted to obtain one garage sale permit per any 12-month rolling period. The permits may be obtained online or in person at the Customer Service Center.

The Garage Sale Permit grants the single-family homeowner, or the multifamily building, the right to sell previously used merchandise for up to two consecutive days.

The City issued 18 Garage Sale Permits in Fiscal Year 2024. Listed below is a summary of permits issued during the last three years:

Garage Sale Permits

<u>Fiscal Year</u>	<u>Number</u>
2022	23
2023	20
2024	18

FISCAL IMPACT STATEMENT

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Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

The proposed amendment to this ordinance will not result in a substantial impact on projected revenues within the General Fund. The overall annual fiscal impact is negligible

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the subject Ordinance at first reading.

Applicable Area

Citywide

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

Yes

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

Finance

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

10:55 a.m. 1st Rdg PH, Ch. 86, Garage Sale Permit. (Dominguez) FN

Previous Action (For City Clerk Use Only)

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Laura Dominguez
DATE: December 11, 2024
TITLE: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE
TO DISCUSS ALLOWING MULTIFAMILY RESIDENCE BUILDINGS TO HOLD
GARAGE SALES TWO (2) TIMES PER YEAR.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Please place on the December 11, 2024 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") to discuss amending Section 82-58 of the City Code to allow for multifamily residence buildings to hold garage sales on no more than two (2) occasions during any 12-month period.

Currently, Section 86-58 of the City Code allows for a garage sale permit for any one single-family or multifamily residence building on no more than one occasion during any 12-month period. Allowing garage sales twice a year would give residents more opportunities to sell excess belongings and free up valuable space in their homes.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

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 Laura Dominguez

Co-sponsor(s)

Condensed Title

Ref: PSNQLC - Allow Multifamily Residence Bldgs Hold Garage Sales 2 Times Per Year.
(Dominguez) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 86 OF THE MIAMI BEACH CITY CODE, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," BY AMENDING SECTION 86-58, ENTITLED "CONDITIONS FOR ISSUANCE," BY AMENDING SUBSECTION (A) TO PROVIDE THAT A GARAGE SALE PERMIT AS REQUIRED BY SECTION 86-56 SHALL BE ISSUED FOR A GARAGE SALE LOCATED IN ANY SINGLE-FAMILY RESIDENCE OR MULTIFAMILY BUILDING ON NO MORE THAN TWO OCCASIONS DURING ANY 12-MONTH PERIOD, AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, currently, section 86-58 of the City Code allows for a garage sale permit for any one single-family or multifamily residence building on no more than one (1) occasion during any 12-month period; and

WHEREAS, at the December 11, 2024 City Commission meeting, at the request of Commissioner Laura Dominguez, the Mayor and City Commission referred an item to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") to discuss and consider amending Section 86-58 of the City Code to allow multifamily residence buildings to be issued up to two (2) garage sale permits during any 12-month period; and

WHEREAS, multifamily residences often have limited storage space, and allowing garage sales two times in any 12-month period provides residents with an additional opportunity to sell excess belongings and free up valuable space in their home; and

WHEREAS, this item was presented and discussed at the January 29, 2025 PSNQLC meeting and the Committee unanimously recommended an Ordinance amendment that would permit garage sales at multifamily residence buildings twice in any 12-month period; and

WHEREAS, the Mayor and City Commission wish to amend Section 86-58 to allow for multifamily residence buildings to hold garage sales on no more than two (2) occasions during any 12-month period.

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

SECTION 1. That Section 86-58 of Chapter 86 of the City Code is hereby amended as follows:

Chapter 86

SALES

* * *

ARTICLE II. GARAGE SALES

* * *

DIVISION 2. PERMIT

* * *

Sec. 86-58. - Conditions for issuance.

- (a) A garage sale permit as required by section 86-56 shall be issued for a garage sale located in any one single-family residence ~~or multifamily residence building~~ on no more than one-occasion during any 12-month period or for a garage sale located in any multifamily residence building on no more than two occasions during any 12-month period.
- (b) No garage sale permit shall be issued for a garage sale in a multifamily residence building unless the property owner gives written permission for the conduct of the sale.
- (c) No garage sale permit shall be issued for a garage sale occurring on more than two consecutive days. Failure to request a two-day permit or to conduct the sale on both days shall not entitle the permit holder to conduct another garage sale on any date other than that appearing on the permit or to obtain ~~another~~ an additional permit beyond the permissible number of permits during the applicable 12-month period ~~prior to 12 months from the date on the last permit.~~
- (d) Each garage sale permit must be prominently displayed on the premises upon which the garage sale is held at all times while the sale is in progress.
- (e) No garage sale permit shall be issued to a person who has conducted a garage sale without obtaining a permit within the preceding 12 months or who has outstanding unpaid fines imposed pursuant to section 86-106 or to a person applying to conduct a garage sale from a premises where an unpermitted garage sale was conducted within the last 12 months

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SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2025.

PASSED AND ADOPTED this ____ day of _____, 2025.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2/21/2025

Date

MAF