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May 8, 2012

BY HAND

The Honorable Carlos A. Gimenez
Mayor, Miami-Dade County
Stephen P. Clark Center, 29th Floor
111 NW First Street
Miami, FL 33128

Re: Illegal Signs on County-Owned Trees on County-Owned Property

Dear Mayor Gimenez:

Disgusting.

That's the only word adequate to describe the Kumho Tire Company advertisements illegally wrapped around 16 royal palm trees along Biscayne Boulevard on the County-owned American Airlines Arena property.

Those advertisements expressly violate the Sign Code of Miami-Dade County, which you are sworn to uphold and enforce. I've attached a copy of a photograph of tree No. 7, as well as the relevant, governing passage from the Sign Code, for your convenience.

When will those signs be removed? Who is going to be punished and fined for unlawfully installing those illegal signs, as instructed by the Sign Code?

I also draw your attention, in the background of the attached photograph, to the illegal advertisement for Goya food products displayed on the Arena's "media mesh" programmable sign. The Sign Code articulates 10 criteria for a programmable sign to be legal, among them a restriction on content "solely to the promotion of products or services offered on the premises." Goya food products are not available for sale inside

the County's Arena - and neither are Kia cars, Office Depot supplies, Kumho tires, Xfinity home phone service, Florida Blue medical insurance, among other illegal advertisements currently in rotation on the County's media mesh. I also have attached the 10-criteria, governing passage from the Sign Code for your convenience.

These brazenly illegal advertisements on the County's own media mesh have persisted for years, in spite of widespread media coverage and written communications repeatedly sent to you. As mayor of Miami-Dade County, why do you continue to ignore such flagrant violations of the County Code? Where is the enforcement that you promised on the campaign trail, with your professed "zero tolerance" for code violations? When will this worsening harm to our quality of life end? Ever?

Disgusted,



Barbara K. Bisno, Esq.

Attachments

cc: The Hon. Joe A. Martinez, Chairman, Board of County Commissioners
The Hon. Audrey Edmonson, Vice Chair, Board of County Commissioners
The Hon. Barbara J. Jordan, Member, Board of County Commissioners
The Hon. Jean Monestime, Member, Board of County Commissioners
The Hon. Sally A. Heyman, Member, Board of County Commissioners
The Hon. Bruno A. Barreiro, Member, Board of County Commissioners
The Hon. Rebeca Sosa, Member, Board of County Commissioners
The Hon. Xavier L. Suarez, Member, Board of County Commissioners
The Hon. Lynda Bell, Member, Board of County Commissioners
The Hon. Dennis C. Moss, Member, Board of County Commissioners
The Hon. Senator Javier D. Souto, Member, Board of County Commissioners
The Hon. Jose "Pepe" Diaz, Member, Board of County Commissioners
The Hon. Esteban L. Bovo, Jr., Member, Board of County Commissioners
Mr. Jack Osterholt, County Deputy Mayor
Ms. Inson Kim, County Director of Policy and Legislative Affairs
Mr. Charles Danger, P.E., County Permitting, Environment
and Regulatory Affairs Department
Robert A. Cuevas, Jr., Esq., County Attorney
Craig Coller, Esq., Assistant County Attorney
Thomas Robertson, Esq., Assistant County Attorney
The Hon. Tomas P. Regalado, Mayor, City of Miami
The Hon. Francis Suarez, Chairman, Miami City Commission

The Hon. Marc D. Sarnoff, Vice Chairman, Miami City Commission
The Hon. Frank Carollo, Member, Miami City Commission
The Hon. Michelle Spence-Jones, Member, Miami City Commission
The Hon. Wifredo "Willy" Gort, Member, Miami City Commission
Mr. Johnny Martinez, P.E., City Manager
Julie O. Bru, Esq., City Attorney
Ms. Myriam Marquez, Editorial Page Editor, The Miami Herald
Ms. Patricia Mazzei, Staff Writer, The Miami Herald
Ms. Kathleen McGrory, Staff Writer, The Miami Herald
Mr. Charles Rabin, Staff Writer, The Miami Herald
Mr. Andres Viglucci, Staff Writer, The Miami Herald
Mr. Michael Lewis, Publisher, Miami Today
Ms. Jacquelyn Weiner, Staff Writer, Miami Today
Mr. Tim Elfrink, Managing Editor, New Times
Ms. Beatriz Baldan
William D. Brinton, Esq.
Murray H. Dubbin, Esq.
Mr. Adam Dunshee
Mr. Peter R. Ehrlich, Jr.
Ms. Barbara Falsey
Mr. Herb Frank
Ms. Sallye Jude
Mr. Nathan Kurland
Mr. Ernest Martin
William S. Pollak, Esq.
Ms. Grace Solares



GOYA

GOYA
Extra Virgin
Olive Oil

GOYA
LOS DELANTOS 1.000 ml
SUPER SAVER

Acaí

7

DRIVE to the
CELEBRATIONS CAMP



KUMHO TIRES



Sun Airline Arena



Person in white

(k) "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar warning signs, provided such signs do not exceed an area of one (1) and one-half (1.5) square feet.

(l) Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening, are permitted without a sign permit. Such banners and decorative materials are not to be posted more than thirty (30) days preceding the event, and are to be removed within seven (7) days following the grand opening day of the event.

(m) Signs required by law.

(n) Signs which are incorporated within bus passenger benches and shelters in compliance with Sections 33-121.14 and 33-121.17(b).

(o) Baby stroller parking signs. Signs required for parking spaces reserved for persons transporting young children and strollers shall not require a sign permit.

(p) "No Trespassing" signs, provided such signs do not exceed an area of three (3) square feet.

(q) The Director of the Miami-Dade County Park and Recreation Department, or designee, shall be permitted to post banners promoting park activities, special events and sponsorships relating to same, provided (i) such banners are posted on the Miami-Dade County park property where the activity or special event will occur; (ii) that each banner shall be limited in size to no more than thirty (30) square feet; (iii) that the banner shall not be posted more than sixty (60) days preceding the activity or event and shall be removed within seven (7) days following the activity or event. Banners complying with the conditions specified in this subsection shall be permitted without a sign permit.

(Ord. No. 85-59, § 2, 7-18-85; Ord. No. 90-24, § 1, 3-20-90; Ord. No. 96-161, § 1, 11-12-96; Ord. No. 96-162, § 1, 11-12-96; Ord. No. 06-35, § 1, 3-7-06)

Sec. 33-95. Prohibited signs.

(a) No sign shall be so located as to constitute a danger to public safety.

(b) No sign shall exhibit thereon any lewd or lascivious matter.

(c) No sign shall be attached to trees, utility poles or any other unapproved supporting structure.

(d) Roof signs are prohibited in all the districts.

(e) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential districts.

(f) In both the incorporated and unincorporated areas of the County even if not classified as a sign, blinking or flashing lights, streamer lights, pennants, banners, streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention-attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this subsection shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.

(g) No revolving or rotating sign shall be permitted or erected except as a class B (point of sale) sign in the BU and IU Districts. Such signs shall be illuminated by internal lighting only.

(h) Any signs which are not traffic signs as defined in Section 33-94(b) which use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.

(i) Portable signs unless otherwise authorized by law shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.

(j) Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van or similar transportable device and which is used to advertise a place of business or activity as viewed from

chasing or rotating lights are prohibited. Signs may be illuminated by exposed bulbs, fluorescent tubes, interior lighting, or by indirect lighting from any external source. Indirect lighting, such as floodlights, shall not shine directly on adjacent property, motorists or pedestrians. Illumination shall be such that it will provide reasonable illumination and eliminate glare and intensity which might pose safety hazards to drivers and pedestrians. Revolving and rotating signs shall be illuminated by internal lighting only.
(Ord. No. 85-59, § 2, 7-18-85; Ord. No. 94-99, § 1, 5-17-94)

Sec. 33-96.1. Automatic electric changing signs.

Subject to the following mandatory conditions, Automatic Electric Changing Signs ("ACS"), shall be permitted in BU and IU districts, seaports, airports, sports stadiums, racetracks, and other similar uses as follows:

- (a) This provision shall apply to Class B (Point of Sale) signs only.
- (b) An ACS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.
- (c) Incandescent lamps/bulbs in excess of 9 watts are prohibited in an ACS. Incandescent lamps/bulbs in an ACS shall not be exposed but shall be covered by a translucent lenses or filters.
- (d) An ACS shall be equipped with an automatic operational night dimming device.
- (e) The following operating modes are prohibited:
 - (1) Flash — the condition created by displaying the same message intermittently by turning it on and off, on and off, with rapidity, or any other delivery mode that creates a flashing effect.
 - (2) Zoom — the look or condition created by expanding a message from a central point to its full size.

- (3) Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs.
- (4) Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light shall be prohibited.
- (f) A minimum of ten (10) acres gross improved land area shall be required for the placement of an ACS.
- (g) With the exception of airports or seaports, the subject ACS shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.
- (h) A detached ACS shall be surrounded by a minimum of twenty-five (25) square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.
- (i) The content of the ACS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use and Occupancy for the subject premises.
- (j) The applicant for an ACS shall file of record a declaration of use, on a form prescribed and approved by the Director, which will govern the operation of the ACS and contain penalties for abatement and removal of the ACS for violations of the declaration of use and the provisions herein.

(Ord. No. 94-99, § 2, 5-17-94; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-97. Maintenance of signs.

- (a) [Required.] All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of forty-five (45) days, all signs