

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 54, Article I of the City Code is hereby amended in the follow particulars:¹

“CHAPTER 54

STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

Sec. 54-1. Definitions.

The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this Code, except where the context clearly indicates a different meaning:

Hazardous or obstructive condition means a physical condition that creates an immediate threat to public health or safety and obstructs, impedes or interferes with pedestrian, bicycle, or vehicular access and/or visibility, including but not limited to emergency services and/or City maintenance operations.

* * *

Unpermitted or unauthorized construction materials shall be considered any materials related to construction or other similar activities, including but not limited to construction related equipment, construction related devices, construction signs, traffic cones, traffic safety posts or markers, barricades, traffic barrels, fencing.

* * *

Sec. 54-2. Obstruction of free passage on sidewalks, etc.

* * *

(c) *Prohibited behavior.* It is unlawful for any person or any number of persons:

* * *

(3) To maintain any hazardous or obstructive condition, including any unpermitted or unauthorized construction material, equipment, devices or signs, beyond the applicable permitted or authorized period upon any street, sidewalk, or public right-of-way.

* * *

Sec. 54-9.1. Enforcement, rebuttable presumption.

A violation of sections 54-7, 54-9(b) and (c) is a civil violation and will be enforced pursuant to the provisions of section 2-823 through 2-830 subject to the following conditions:

¹ Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

- (1) At any prosecution for violation of this section where the circumstances relating to the placement and number of signs make it more likely than not that the signs were placed there, or caused to be placed there, by an agent, employee, contractor, promoter, or other representative of the business or benefactor advertised on the face of the sign, the code enforcement board or special master shall apply a rebuttable presumption that the business or benefactor advertised on the face of the sign placed, posted or affixed the sign.
- (2) If a person is found posting signs in violation of this Code, every code enforcement officer is authorized to seize, for use as evidence in the prosecution of the person, business or benefactor before the code enforcement board or special master, all signs in the possession of the person.
- (3) When a sign is found to be located on public property and without a required permit, the city shall have the right to remove such sign. The owner may recover the sign by paying the removal costs within fifteen (15) 60 days of the removal. If the sign is not recovered by the owner within fifteen (15) 60 days then it shall be considered abandoned property in the hands of the city and shall be disposed of as permitted by law. Prior to or at the time of removal, the City shall create a record, including photograph(s), that includes the date and time of removal, approximate location of removal, and brief identifying statement of the sign(s) removed. The city shall recover all costs in conjunction with such removal of signs from the owner or the owner's property. Such recovery may be by way of personal action against the owner or an in rem lien against any property of the owner.

* * *

Section 3. Chapter 54, Article II of the City Code is hereby amended in the follow particulars:¹

“CHAPTER 54

STREETS AND SIDEWALKS

“ARTICLE II. – CONSTRUCTION, EXCAVATION, AND REPAIR

* * *

Sec. 54-49. Obstructing street with materials, including construction related materials; removal of abandoned construction related materials.

~~Materials such as are to be used in the work or for construction purposes may be stored in the right of way by the contractor only upon approval of the resilience and public works department if no suitable alternative exists and obtaining a permit pursuant to section 54-3. All gutters, drains, fire hydrants, roadways and private driveways within the block in which work is being done are to be kept open by the contractor for their intended use. As soon as the work is finished or the permit expires, whichever occurs first, all accumulated rubbish or surplus materials, forms, tools and equipment shall be promptly removed from the right of way by the contractor.~~

- (a) All materials, equipment, devices, tools, forms, supplies, and other items used or intended to be used in connection with construction, excavation, repair, maintenance, traffic-control devices, utility work, or similar activity may be stored or maintained in the public right-of-way only upon approval of the Department of Resilience and Public Works that no suitable alternative location exists and pursuant to a valid permit issued under section 54-3.

- (b) The contractor and/or permittee shall keep all gutters, drains, fire hydrants, roadways, sidewalks, accessible routes, bicycle facilities, private driveways, traffic-control devices, and emergency-access routes within the area of the work open, unobstructed, and available for their intended use, except to the extent expressly authorized by the applicable permit or approved maintenance-of-traffic plan.
- (c) Except to the extent expressly authorized by the applicable permit or approved maintenance-of-traffic plan, it is the primary responsibility of the contractor and/or permittee to ensure the removal from the public right-of-way all accumulated rubbish, surplus materials, forms, tools, equipment, construction signs, traffic cones, delineators, barrels, barricades, message boards, temporary traffic-control devices, temporary fencing, warning devices, and any other construction-related materials, equipment or devices. If there is an applicable permit or approved maintenance-of-traffic plan, then removal is mandatory upon the earliest of:
- (1) Completion of the permitted or authorized work;
 - (2) Expiration or revocation of the applicable permit;
 - (3) The time the material, equipment or devices are no longer reasonably necessary for the permitted or authorized work.
- (d) If the applicable permit, approved maintenance-of-traffic plan, or other City authorization does not establish a specific time frame for removal of material, equipment or devices, then any item remaining within the public right-of-way more than forty-eight (48) hours after any event identified in section (c), shall be deemed abandoned for purposes of this section.
- (e) The City may immediately remove any hazardous or obstructive condition. All other items remaining within the public right-of-way deemed abandoned will be removed and stored for not less than fifteen (15) days from removal date. Within three (3) business days after removal of a stored item, the City shall provide post-removal notice to the contractor, permittee, owner, or other responsible person, if reasonably ascertainable. The notice shall identify the item removed; the date, approximate time, and location of removal; the basis for removal; the location and hours for retrieval; the retrieval deadline; costs incurred; and the right to contest the removal and/or the incurred costs.
- (f) The stored items may be retrieved upon proof of ownership and payment of incurred costs.
- (g) The removal and/or incurred costs may be appealed by requesting an administrative hearing. The request shall be made to the mailing address, e-mail address indicated in the post-removal notice or on-line via the City's website, as available, no later than ten (10) days from the post-removal notice. If a timely appeal is filed, the City shall retain the item until issuance of a final administrative decision. If no timely request for an administrative hearing is received, the removal and assessments of costs shall constitute final administrative action. The City may recover all necessary costs of removal, transportation, storage, disposition, and repair or restoration of damaged City property.
- (h) Nothing in this subsection limits the removal of items obstructing the public right-of-way as set forth in Section 54-57 or any other provision of this Chapter or applicable law.

* * *

Section 4. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective immediately after adoption and signature of the Mayor.²

APPROVED AS TO FORM AND CORRECTNESS:


George K. Wysocki III, City Attorney 9/29/2026

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.



AGENDA ITEM COVER PAGE

File ID: #19884

Ordinance

Sponsored by: Christine King, Commissioner

AN ORDINANCE BY THE MIAMI CITY COMMISSION AMENDING CHAPTER 37/SECTION 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "OFFENSES - MISCELLANEOUS/MALICIOUS DEFACEMENT, MARKING, ETC., OF REAL PROPERTY," TO AMEND RESPONSIBILITY FOR THE GRAFFITI MITIGATION PROGRAM; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.



City of Miami

Legislation

Ordinance

File Number: 19884

Final Action Date:

AN ORDINANCE BY THE MIAMI CITY COMMISSION AMENDING CHAPTER 37/SECTION 2 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "OFFENSES - MISCELLANEOUS/MALICIOUS DEFACEMENT, MARKING, ETC., OF REAL PROPERTY," TO AMEND RESPONSIBILITY FOR THE GRAFFITI MITIGATION PROGRAM; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami ("City") has a Graffiti Mitigation Program ("Program") to assist victims of constant graffiti in managing their buildings and keeping them marking free; and

WHEREAS, Section 37-2 of the Code of the City of Miami, Florida, as amended ("City Code"), sets forth the Program and its operation; and

WHEREAS, while the Program used to be administered by the local area Neighborhood Enhancement Team ("NET") offices, when those offices were closed down during the Novel Coronavirus ("COVID-19") Pandemic, responsibility was shifted to the Code Compliance Department ("Code") under Ordinance 14292 which was adopted on June 27, 2024; and

WHEREAS, as Code is also the City Department which issues notices of violations for graffiti violations, some in the community are reluctant to come forward to seek help out of concern they may get cited for a violation and fined; and

WHEREAS, in an effort to ease community concerns, it is in the best interest to align the Program in an assistance effort rather than enforcement effort; and

WHEREAS, this change will create a more open and accessible environment for community members who are suffering through constant graffiti attacks on their property and will promote the public health, safety, and welfare of the community at large;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 37 of the City Code is hereby amended in the following particulars:¹

"CHAPTER 37

OFFENSES - MISCELLANEOUS

Sec. 37-2. – Malicious defacement, marking; etc., of real property.

¹ Words and/or figures stricken through shall be deleted. Underlined words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.