



To: Cathy Swanson-Rivenbark, Manager

From: Miriam Soler Ramos, City Attorney *MSR*

RE: Legal Opinion Regarding Use of Official Hangtags

Date: February 13, 2018

I do not believe that a change to the City Code is required in order to accomplish what is detailed below. The section of the code that regulates "handbills" contemplates materials that are not delivered by the U.S. mail and which: (1) advertise for sale, merchandise, products, services, commodities or things, (2) direct attention to a business or other activity for the purpose of promoting the interests thereof by sales, or (3) direct the attention to or advertise a meeting, theatrical performance, exhibition or event for which admission is charged for the purpose of private gain.

Sec. 54-51 of the City Code regulates the distribution of "handbills" on private property and therein sets out that a "handbill" may be placed on private property if the property is not posted with a "no trespassing" sign and if the "handbill" is placed or deposited so as to secure or prevent it from being blown or drifted about the premises, sidewalks, streets or other public areas. In other words, it allows for hangtags in these circumstances.

Irrespective of the above, the hangtags that the City desires to use in order to inform residents of issues of public concern, would not constitute "handbills" under the City Code as they are not intended for the advertising or sale of any item, to promote any business or to advertise any event that is for profit. In fact, the hangtags that the City desires to use constitute a public purpose as they will serve to inform residents of City plans for parks, the placement of pet waste stations, sidewalk installations or other similar public benefit.

This opinion is issued pursuant to Sec. 2-252(e)(1) and (8) of the City Code authorizing the City Attorney's Office to issue opinions and interpretations of the City Code.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Cc: [Suarez, Cristina](#); [Ceballos, Gustavo](#)
Subject: FW: Use of Official Hang tags
Date: Tuesday, February 13, 2018 6:56:10 PM

Please publish.

Miriam Soler Ramos, Esq., B.C.S.
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Board Certified by the Florida Bar in
City, County and Local Government Law
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-----Original Message-----

From: Ramos, Miriam
Sent: Tuesday, February 13, 2018 6:56 PM
To: Swanson-Rivenbark, Cathy <cswanson@coralgables.com>
Cc: Higgins-Fallon, Maria <mhiggins@coralgables.com>; Iglesias, Peter <piglesias@coralgables.com>; Couceyro, Fred <fcouceyro@coralgables.com>; Santamaria, Eduardo <esantamaria@coralgables.com>; Cabrera, Suramy <scabrera@coralgables.com>; Ortiz, William <wortiz@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>; Ceballos, Gustavo <gceballos@coralgables.com>
Subject: RE: Use of Official Hang tags

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Sincerely,

Miriam Soler Ramos, Esq., B.C.S.
City Attorney
Board Certified by the Florida Bar in
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-----Original Message-----

From: Swanson-Rivenbark, Cathy
Sent: Saturday, February 10, 2018 6:34 AM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Higgins-Fallon, Maria <mhiggins@coralgables.com>; Iglesias, Peter <piglesias@coralgables.com>; Couceyro, Fred <fcouceyro@coralgables.com>; Santamaria, Eduardo <esantamaria@coralgables.com>; Cabrera, Suramy <scabrera@coralgables.com>; Ortiz, William <wortiz@coralgables.com>
Subject: Use of Official Hang tags

As you know, communicating with our citizenry is an important element of good governance. When the City anticipates making geographic-specific physical enhancements such as passive parks, placement of pet waste stations, or sidewalk installations, one reliable method of communicating with the immediate neighborhood is the use of official City of Coral Gables hang tags placed on front or side doors of residences. Invitations to city-initiated neighborhood meetings or special waste disposal instructions (e.g., the need to sort landscape debris from bulk trash in post storm cleanup efforts) could also be enhanced with the use of a official hang tags. While the City uses this tool sparingly and appropriately, it is my understanding that our codes do not generally allow this practice. Please assist our office in updating the relevant provisions in City codes to allow the City to continue this practice for official government use only while not opening the procedures to non-governmental entities to avoid intrusion and inconvenience for our residents.

Your Office's guidance and assistance are, as always, valued and appreciated.

Sincerely,

Cathy Swanson-Rivenbark

City Manager

Please excuse the brevity and typos. This email is being sent from my iPad.