

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: October 30, 2024 10:50 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III, ENTITLED "USE OF PUBLIC PROPERTY," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 82-72 THEREOF, ENTITLED "COMMERCIAL VESSEL ACTIVITY HOURS OF OPERATION AT PUBLICLY-OWNED MARINAS," TO MODIFY THE PROHIBITED HOURS OF DEPARTURE FOR COMMERCIAL VESSELS AT PUBLICLY-OWNED MARINAS AND MARINE FACILITIES; AND AMENDING CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE III, ENTITLED "PIERS, DOCKS, AND BOAT RAMPS," BY AMENDING SECTION 66-116 THEREOF, ENTITLED "COMMERCIAL VESSEL HOURS OF OPERATION AT PRIVATE MARINAS AND PRIVATE MARINE FACILITIES," TO MODIFY THE PROHIBITED HOURS OF DEPARTURE FOR COMMERCIAL VESSELS AT PRIVATELY-OWNED MARINAS AND MARINE FACILITIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance was approved on first reading. No changes have been made between first and second reading.

Due to the significant increase in commercial vessel activity the City has experienced in the last several years, particularly since the COVID-19 pandemic, there have been many quality-of-life complaints related to commercial charter vessel activity including unruly commercial charter and boat rental patrons, disturbances caused by public intoxication, people engaging in excessively loud arguments and playing excessively loud music, and public urination.

As a result, the Mayor and City Commission adopted Ordinance Nos. 2023-4550 and 2024-4596 (the "Ordinances"), which limit commercial vessel activity at public marinas and marine facilities, and private marinas and marine facilities, respectively, each day from 9 p.m. until 7 a.m. the following day.

While many of the complaints and issues emanating from public and private marinas and marine facilities have been greatly reduced since the Ordinances were enacted, the City nonetheless still experiences some issues involving disturbances, noise, and arrests for illegal conduct, due to nighttime commercial vessel departures.

Therefore, in an attempt to ameliorate these issues, the proposed Ordinance would prohibit

commercial vessels from departing any public or private marina or marine facility from 7:00 p.m. until 7:00 a.m. the following day, with an exception provided for commercial fishing vessels, commercial diving vessels, licensed towing vessels, and educational "eco" or nature tours.

### **FISCAL IMPACT STATEMENT**

None.

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

If applicable, the Business Impact Estimate (BIE) was published on 10/11/2024.  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

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#### **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 David Suarez

#### **Co-sponsor(s)**

#### **Condensed Title**

10:50 a.m. 2nd Rdg, Ch. 82, Prohibit Hours of Departure for Commercial Vessels. (Suarez) CA