

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: May 21, 2025 3:00 p.m. First 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 CLARIFY THE DEFINITIONS SET FORTH THEREIN AND ESTABLISH LIMITATIONS FOR OWNER AFFIRMATIVE DEFENSE FOR PERSONAL USE OUTSIDE OF PERMITTED HOURS OF OPERATION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The City has seen a significant increase in commercial vessel activity in the last several years, particularly since the COVID-19 pandemic. The City has also experienced 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.

On April 28, 2023, the City Commission approved Ordinance No. 2023-4550, that is codified in Section 82-72 of the City Code, which limits commercial vessel activity at public marinas and public marine facilities each day from 9 p.m. until 7 a.m. the following day; and the complaints and issues emanating from public marinas and marine facilities have been greatly reduced since Ordinance No. 2023-4550 went into effect.

The City nonetheless has still experienced issues involving disturbances, noise, and arrests for illegal conduct, due to commercial vessel nighttime departures; and the City has experienced a recent increase in commercial vessel operation from public marinas outside of the permitted hours for such activities, with the operators of these commercial vessels asserting (perhaps falsely) that the commercial vessel is being operated purely for personal pleasure purposes and not for commercial purposes.

If adopted, this proposed ordinance would clarify rules for personal after hours "personal" use of commercial vessels to address resident concerns surrounding the nighttime departure and

operation of commercial vessels from public marinas when the owner is operating the vessel outside of permitted hours of operation, putatively for personal purposes.

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-notice/>

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 David Suarez

Co-sponsor(s)

Condensed Title

3:00 p.m. 1st Rdg PH, Amend Definition of Pleasure Vessel/Establish Limits for Owner.
(Suarez) CA

Previous Action (For City Clerk Use Only)

