

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 3, 2025 10:10 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING SECTION 50-10 THEREOF, ENTITLED "OTHER PERMITS AND REVIEWS," BY PROHIBITING THE ISSUANCE OF FIREWORKS PERMITS FOR THE DISPLAY, USE, OR DISCHARGE OF FIREWORKS IN BISCAYNE BAY OR IN ANY RESIDENTIAL AREA IN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance, sponsored by Vice-Mayor Tanya K. Bhatt and Commissioner Laura Dominguez, is submitted for consideration by the Mayor and City Commission.

Biscayne Bay is a vital ecological resource for the City of Miami Beach, serving as a critical habitat for a wide variety of marine life, including endangered species, and supporting the region's overall environmental health and biodiversity. Moreover, Biscayne Bay is also essential to the cultural and economic vitality of the City, attracting residents and visitors alike with its natural beauty and recreational opportunities, and contributing to the City's economy through tourism and marine activities.

The use, display, and discharge of fireworks have been shown to release harmful chemicals (sulphur, copper and lithium to name a few), debris (including paper casings, plastics and metallic materials), and pollutants into the air and water, posing significant risks to marine ecosystems, including water contamination and harm to aquatic life disrupting their natural behaviors and polluting their habitat. Additionally, the discharge of fireworks in residential areas has also been associated with public safety concerns, including fire hazards, property damage, and noise pollution that adversely affect the quality of life of residents and the well-being of pets and wildlife.

In a Letter to Commission ("LTC") dated February 13, 2024, the Marine and Waterfront Protection Authority ("MWPA") "strongly recommended that the City Commission enact an ordinance to ban these fireworks displays, determining such action to be critical in safeguarding Biscayne Bay's environmental health and the well-being of our community.

The City has a long-standing commitment to sustainability, environmental stewardship, and the protection of its natural resources, including the preservation of Biscayne Bay and the promotion of environmentally responsible practices.

If adopted, the proposed Ordinance would prohibit the issuance of fireworks permits for fireworks to be displayed, used, or discharged in Biscayne Bay or in any residential area of the City, except for fireworks to be displayed, used, or discharged on New Year's Day, Jan. 1; Independence Day, July 4; and New Year's Eve, Dec. 31. In regulating the use of fireworks within these areas of the City's territorial jurisdiction, the proposed Ordinance aligns with the City's goals of safeguarding public health, safety, and welfare, and preserving the ecological integrity of Biscayne Bay and the residents' quality of life in its residential areas.

### **FISCAL IMPACT STATEMENT**

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on: 1/13/2025  
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 Tanya K. Bhatt  
Commissioner Laura Dominguez

**Co-sponsor(s)**

**Condensed Title**

10:10 a.m. 2<sup>nd</sup> Rdg, Prohibit Fireworks Permits for Biscayne Bay/Residential Areas. (TB/LD) CA