

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 1:40 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 MODIFY EXCEPTIONS TO THE PROHIBITED HOURS OF DEPARTURE FOR COMMERCIAL VESSELS AT PUBLICLY-OWNED MARINAS AND MARINE FACILITIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached ordinance is presented for the consideration of the Mayor and City Commission on first reading.

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; and

On or about April 28, 2023, the City Commission approved Ordinance No. 2023-4550, that is codified in Section 82-72 of the City Code, which limited commercial vessel activity at public marinas and public marine facilities each day from 9 p.m. until 7 a.m. the following day.

As a result, the complaints and issues emanating from public marinas and marine facilities have been greatly reduced since Ordinance No. 2023-4550 went into effect. However, the City nonetheless has still experienced issues involving disturbances, noise, and arrests for illegal conduct, due to commercial vessel nighttime departures.

The City has experienced a recent increase in formerly purely commercial charter operations designating and characterizing themselves as educational "eco" or nature tours in order to evade the City's restrictions on nighttime departure of commercial vessels.

If adopted, the proposed ordinance would repeal the exception for educational "eco" or nature tours that allows these operators to operate outside of the normal business hours in the City Code.

### **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?** No  
(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-notices/>

### **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**

1:40 p.m. 1<sup>st</sup> Rdg PH, Remove Eco-Tours Exception to Marina Hours of Operation (Suarez) CA