

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 9:31 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66, ENTITLED "DEFINITIONS," BY CONFORMING THE DEFINITION OF MOTORIZED SCOOTER TO STATE LAW; AND BY AMENDING SECTION 70-67, ENTITLED "PROHIBITED ACTIVITIES," BY PROHIBITING MOTORIZED MEANS OF TRANSPORTATION, BICYCLING, IN-LINE SKATING, ROLLER SKATING, AND SKATEBOARDING ON THE BAYWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

Click or tap here to enter text.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The proposed Ordinance, sponsored by Commissioner Laura Dominguez, is submitted for consideration by the Mayor and City Commission.

The Baywalk is a public walkway situated directly adjacent to Biscayne Bay, providing residents and visitors with scenic views and pedestrian access to the waterfront. The relative narrowness of the Baywalk inherently limits the available space for safe and comfortable use by pedestrians, including families with young children, seniors, and individuals with mobility challenges.

Importantly, the limited width of the Baywalk creates safety concerns when shared with motorized means of transportation, bicycles, in-line skates, roller skates, and skateboards, which may travel at high speeds and/or require a larger amount of space to maneuver. The use of such transportation and recreational equipment on the Baywalk poses a heightened risk of collisions, injuries, and potential harm to pedestrians. Moreover, the proximity of the Baywalk to Biscayne Bay presents additional safety concerns, as there are limited barriers or buffers between the walkway and the water.

The City is committed to ensuring the safety and enjoyment of public spaces for all users, particularly in areas of high pedestrian traffic. To that end, the use of motorized means of

transportation, bicycles, in-line skates, roller skates, and skateboards on the Baywalk creates safety hazards for pedestrians due to their speed, size, and maneuvering requirements.

Accordingly, the proposed Ordinance would prohibit the use of motorized means of transportation (except for motorized devices and wheelchairs when used by disabled persons), bicycling, in-line skating, roller skating, and skateboarding on the Baywalk (with the exception of the Marina Baywalk south of 5th Street wherein only motorized means of transportation will be prohibited, but the other activities shall remain permissible). These prohibitions will enhance pedestrian safety, reduce conflicts, and preserve the Baywalk as a safe and tranquil space for the walking and enjoyment of all.

### **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:  
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 Laura Dominguez

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

**Condensed Title**

9:31 a.m. PH, Motorized Means of Transportation and Other Means of Transportation Prohibited on the Baywalk. (Dominguez) CA