

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: March 19, 2025 9:40 a.m. Second 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

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. 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.

The proposed Ordinance has been modified after first reading to provide definitions for certain terms such as "Beachwalk," "Baywalk," "Marina Baywalk," and "South Pointe Park Cutwalk," while maintaining the Ordinance's intent to prohibit bicycling, skateboarding, roller skating, or in-line skating, or operating any motorized means of transportation, on the Baywalk. Additionally, the proposed Ordinance has been modified after first reading to incorporate park rangers into the definition of the term "code compliance officer" for enforcement purposes and also now includes specific references to section 70-68 in order to more clearly set forth the exemption for certain vehicles and devices when operated by specified City-sanctioned persons.

Moreover, while not included within the Ordinance so as to avoid imposing any legal duty upon the City, the City Administration should produce and post appropriate signage along the Baywalk to provide the public with additional notice of the prohibitions set forth in the Ordinance.

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 Laura Dominguez

Co-sponsor(s)

Commissioner Tanya K. Bhatt

Condensed Title

9:40 a.m. 2nd Rdg, Bicycles and Certain Other Means of Transportation Prohibited on Baywalk.
(Dominguez/Bhatt) CA