

R5 Y AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," ARTICLE III, ENTITLED "PIERS, DOCKS AND BOAT RAMPS," BY AMENDING SECTION 66-107, ENTITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," TO ALLOW MIAMI BEACH RESIDENTS TO PICK UP AND DROP OFF PASSENGERS AT THE BARRY KUTUN BOAT RAMP AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 3, 2025 11:25 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," ARTICLE III, ENTITLED "PIERS, DOCKS AND BOAT RAMPS," BY AMENDING SECTION 66-107, ENTITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," TO ALLOW MIAMI BEACH RESIDENTS TO PICK UP AND DROP OFF PASSENGERS AT THE BARRY KUTUN BOAT RAMP AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed ordinance is presented for the consideration of the Mayor and City Commission on first reading by the sponsor, Commissioner Kristen Rosen Gonzalez.

Sec. 66-107 currently does not allow pickup or drop off of passengers by any vessel at the Barry Kutun Boat Ramp at Maurice Gibb Park.

If enacted, the proposed ordinance would allow pickup or drop off of passengers by a vessel that is regularly docked at (i) a physical residence located within the City that is owned or leased by the same person to whom the vessel is registered with the State of Florida or (ii) at a paid marina slip within the City).

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-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 Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

11:25 a.m. 1st Rdg PH, Allow MB Residents to Pick Up/Drop Off Passengers at Barry Kutun Boat Ramp. (KRG) CA

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," ARTICLE III, ENTITLED "PIERS, DOCKS AND BOAT RAMPS," BY AMENDING SECTION 66-107, ENTITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," TO ALLOW MIAMI BEACH RESIDENTS TO PICK UP AND DROP OFF PASSENGERS AT THE BARRY KUTUN BOAT RAMP AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, Sec. 66-107 currently does not allow pickup or drop off of passengers by any vessel at the Barry Kutun Boat Ramp at Maurice Gibb Park; and

WHEREAS, the Mayor and City Commission desire to allow pickup or drop off of passengers by vessels owned by Miami Beach residents at the Barry Kutun Boat Ramp at Maurice Gibb Park.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Section 66.107, of the Code of the City of Miami Beach is/are hereby amended as follows:

**CHAPTER 66
MARINE STRUCTURES, FACILITIES AND VESSELS**

* * *

ARTICLE III. PIERS, DOCKS AND BOAT RAMPS

Sec.66-107. Use of the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park.

The Barry Kutun Boat Ramp shall be used only to launch and retrieve noncommercial vessels for a period not to exceed twenty minutes for each task, or to dock a noncommercial vessel with a valid dockage agreement the form of which shall be approved by resolution of the city commission from time to time, exclusively by residents of the City of Miami Beach. The floating dock(s) at Maurice Gibb Park shall be used only for launching and disembarking of noncommercial human-powered recreational vessels such as paddleboards and kayaks for a period not to exceed twenty minutes for each task. The use of any portion of the Barry Kutun Boat Ramp, or any portion of the floating dock, by operators of dinghies, tenders, or any other vessel to dock, stop, stand, or drop off/pick up passengers is specifically, but without limitation, prohibited, ~~except for~~ The foregoing restrictions and prohibitions shall not apply to (a) duly licensed water taxis authorized by the City of Miami Beach that are picking up or dropping off passengers, (b) vessels that are regularly docked at (i) a physical residence located within the City that is owned or leased by the same person to whom the vessel is registered with the State of Florida or (ii) at a paid marina slip within the City that are picking up or dropping off passengers during a period not to exceed twenty minutes, provided, such time limit shall not apply to any vessel with a valid dockage agreement that is docked, stopped, or standing in a docking space authorized by the dockage agreement and or (c) any vessel experiencing

an emergency that precludes it from safely traveling to an alternate permitted dock. Vessels docking, stopping, standing, or dropping off passengers due to an emergency may remain at the dock for only so long as is necessary for the Miami Beach Police Department or Miami Beach Fire Rescue to render aid or for the length of time necessary for the vessel to be towed by a duly licensed vessel towing service. Any use of the Barry Kutun Boat Ramp or any associated piers/docks in violation of this section shall be punishable as follows:

1. Fine of \$1000 for a first violation and immediate towing of any vessel used in the violation.
2. Fine of \$2000 for a second violation and immediate towing of any vessel used in the violation.
3. Fine of \$5000 for a third or subsequent violation and immediate towing of any vessel used in the violation.

Alternatively, violations may be enforced pursuant to Section 1-14 of the city code.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word " ordinance " may be changed to " section , " article , " or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2025.

PASSED AND ADOPTED this _____ day of _____, 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Kristen Rosen Gonzalez)

DA [Signature] 1/24/25

City Attorney [Signature] Date