

R5 Z AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE IV, ENTITLED "VESSELS," BY CREATING SECTION 66-143 THEREOF, ENTITLED "ANCHORING OF COMMERCIAL VESSELS OR FLOATING STRUCTURES USED TO RENT, STORE, OR OTHERWISE SECURE OTHER VESSELS PROHIBITED"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND 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: April 23, 2025 1:35 p.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE IV, ENTITLED "VESSELS," BY CREATING SECTION 66-143 THEREOF, ENTITLED "ANCHORING OF COMMERCIAL VESSELS OR FLOATING STRUCTURES USED TO RENT, STORE, OR OTHERWISE SECURE OTHER VESSELS PROHIBITED"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed ordinance is presented for the consideration of the Mayor and City Commission by the sponsor, Commissioner David Suarez.

Anchoring of commercial vessels or floating structures in the territorial waters of the City while being used as a place to conduct the business of renting other vessels, including when storing or otherwise securing such rented vessels, is deleterious to the health, safety, and welfare of the residents and guests of the City of Miami Beach.

If adopted, the proposed ordinance would prohibit any person or business to anchor any commercial vessel (as defined in s. 327.02(8), F.S.) or floating structure (as defined in s. 327.02(14), F.S.) in the territorial waters of the city while being used as a place to conduct the business of renting other vessels, including when storing or otherwise securing such rented vessels.

The proposed ordinance would be enforced pursuant to section 1-14 of the City Code, punishable by maximum sixty (60) days in jail and/or a maximum \$500 fine. Any commercial vessel or floating structure found to be anchored in violation of the proposed ordinance may be immediately towed and stored at the owner's expense.

In order to provide notice of the requirements of the proposed ordinance to impacted owners or operators of regulated vessels or floating structures, a copy of the ordinance and a nautical map depicting the territorial waters of the city shall be sent by certified mail, return receipt requested, as well as by U.S. First Class Mail, to all businesses holding a business tax receipt from the city

allowing the business to rent vessels.

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 David Suarez

Co-sponsor(s)

Condensed Title

1:35 p.m. 1st Rdg PH, Prohibit Anchoring of Vessels to Store Rental Vessels. (Suarez) 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 CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE IV, ENTITLED "VESSELS," BY CREATING SECTION 66-143 THEREOF, ENTITLED "ANCHORING OF COMMERCIAL VESSELS OR FLOATING STRUCTURES USED TO RENT, STORE, OR OTHERWISE SECURE OTHER VESSELS PROHIBITED"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, anchoring of commercial vessels or floating structures in the territorial waters of the City while being used as a place to conduct the business of renting other vessels, including when storing or otherwise securing such rented vessels, is deleterious to the health, safety, and welfare of the residents and guests of the City of Miami Beach.

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

SECTION 1. That Sections 66-153 of the City Code shall be created as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES AND VESSELS

* * *

ARTICLE IV. VESSELS

* * *

DIVISION 1. GENERALLY

* * *

Sec. 66-153 - Anchoring of Commercial Vessels or Floating Structures Used to Rent, Store, or Otherwise Secure Other Vessels Prohibited.

- (a) It shall be unlawful for any person or business to anchor any commercial vessel (as defined in s. 327.02(8), F.S.) or floating structure (as defined in s. 327.02(14), F.S.) in the territorial waters of the city while being used as a place to conduct the business of renting other vessels, including when storing or otherwise securing such rented vessels.
- (b) This section shall be enforced pursuant to section 1-14 of this code.
- (c) Any commercial vessel or floating structure found to be anchored in violation of this section may be immediately towed and stored at the owner's expense.

(d) In order to provide notice of the requirements of this section to impacted owners or operators of regulated vessels or floating structures, a copy of this ordinance and a nautical map depicting the territorial waters of the city shall be sent by certified mail, return receipt requested, as well as by U.S. First Class Mail, to all businesses holding a business tax receipt from the city allowing the business to rent vessels. The requirements of this subsection (d) shall be deemed complete upon mailing to the address listed on the BTR.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 _____.

PASSED and **ADOPTED** this ____ day of _____, 2025.

ATTEST:

Rafael E. Granado
City Clerk

Steven Meiner
Mayor

(Sponsored by Commissioner David Suarez)

Underline denotes additions.
~~Strikethrough~~ denotes deletions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RR*

4/10/2025

Date