

R5 AB 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 ESTABLISH A DOCKAGE AGREEMENT PROGRAM 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: November 20, 2024 First Reading

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 ESTABLISH A DOCKAGE AGREEMENT PROGRAM AT THE BARRY KUTUN BOAT RAMP AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

Miami Beach City Code Sec. 66-107 currently does not allow dockage of any vessel at the Barry Kutun Boat Ramp at Maurice Gibb Park.

The proposed ordinance would authorize a dockage agreement program for the Barry Kutun Boat Ramp at Maurice Gibb Park.

If the proposed ordinance is enacted, the Mayor and City Commission shall, by resolution, following enactment of this Ordinance, enumerate terms and conditions for the issuance of dockage agreements to Miami Beach residents for short-term dockage at the Barry Kutun Boat Ramp at Maurice Gibb Park.

FISCAL IMPACT STATEMENT

The proposed ordinance would have a positive fiscal impact by generating dockage agreement fees, but would create enforcement expenses associated with it.

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

1st Rdg, Authorize Dockage Agreements at Barry Kutun Boat Ramp. (Suarez) CA

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 ESTABLISH A DOCKAGE AGREEMENT PROGRAM 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 dockage of any vessel at the Barry Kutun Boat Ramp at Maurice Gibb Park; and

WHEREAS, the Mayor and City Commission desire to establish a dockage agreement program for the Barry Kutun Boat Ramp at Maurice Gibb Park; and

WHEREAS, the Mayor and City Commission shall, by resolution, following enactment of this Ordinance, enumerate terms and conditions for the issuance of dockage agreements to Miami Beach residents for short-term dockage 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 duly licensed water taxis authorized by the City of Miami Beach picking up or dropping off passengers, and 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 _____, 2024.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:


Steven Meiner, Mayor

Rafael E. Granado, City Clerk


Underline denotes additions
~~Strike through~~ denotes deletions

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

 10/21/2024

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO DOCKAGE AGREEMENTS FOR DOCKAGE OF VESSELS AT CITY-OWNED BARRY KUTUN BOAT RAMP AT MAURICE GIBB PARK AS THE CITY MANAGER MAY DEEM APPROPRIATE IN HIS SOLE DISCRETION WITH CITY COMMISSION APPROVAL OF THE FINAL FORM AGREEMENT; PROVIDING SUGGESTED TERMS AND CONDITIONS TO BE INCLUDED IN THE DOCKAGE AGREEMENTS; AND PROVIDING FOR APPROVAL OF THE FORM AGREEMENT BY RESOLUTION OF THE CITY COMMISSION PRIOR TO EXECUTION.

WHEREAS, public piers and other facilities may be maintained by the city for the purpose of loading and unloading passengers, supplies and boating gear and for similar purposes. It is the policy of the city to maintain such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof; and

WHEREAS, Sec. 66-107 currently permits only the launch and retrieval of noncommercial vessels for a period not to exceed twenty minutes for each task at the City-owned Barry Kutun Boat Ramp, exclusively by residents of the City of Miami Beach; and

WHEREAS, the Mayor and City Commission recognize that residents of the City of Miami Beach may desire to temporarily dock their small noncommercial pleasure vessel at the City-owned Barry Kutun Boat Ramp in order to enjoy the shops and restaurants in and around the Sunset Harbour neighborhood; and

WHEREAS, the Mayor and City Commission resolve that the City Administration shall, solely in its proprietary capacity as the operator of the City-owned Barry Kutun Boat Ramp, create a Dockage Agreement that will allow for short-term dockage for small (under 45 feet) noncommercial please vessels issued only to those City of Miami Beach residents who the City Administration, in its sole discretion, deems qualified, on a form which terms and conditions shall be approved by the City Commission prior to implementation; and

WHEREAS, the Mayor and City Commission suggest that the Dockage Agreement proposed by the City Manager incorporate the terms and conditions set forth in Exhibit A to this Resolution and that the final form agreement shall be approved by resolution of the City Commission prior to execution.

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

The Mayor and the City Commission hereby authorize the City Manager to enter into Dockage Agreements for dockage of vessels at the City-owned Barry Kutun Boat Ramp at Maurice Gibb Park as the City Manager may deem appropriate in his sole discretion with City Commission approval of the final form agreement; providing suggested terms and conditions to be included in the Dockage Agreements; and providing for approval of the form agreement by resolution of the City Commission prior to execution.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Mayor Steven Meiner

Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

DRAFT

EXHIBIT A – SUGGESTED BARRY KUTUN BOAT RAMP DOCKAGE AGREEMENT TERMS

BASIC TERMS

1. \$xxx monthly Dockage Agreement fee.
2. Maximum period of two (2) hours of dockage per day between the hours of 5 AM and 10 PM.
3. Maximum length of vessel: 45 feet.

DOCKAGE RULES

1. Vessel owner must provide proof that the vessel is docked overnight each night at a home located within the City of Miami Beach or at a paid slip at a marina located within the City of Miami Beach.
2. Vessel owner shall maintain liability insurance on the vessel in an amount of at least one million dollars (\$1,000,000); hull insurance coverage in an amount of at least the replacement value of the vessel; and a removal coverage rider in an amount sufficient to pay for the removal and storage of the vessel in the event that it must be removed by the City of Miami Beach.
3. Vessel must be registered with the State of Florida.
4. Aesthetics: (no loose items on deck, must be well maintained) with further criteria to be discussed.
5. Bottom of vessel must be free of any growth.
6. Commercial activity of any kind on the vessel is prohibited.
7. Assignment of Dockage Agreement for the vessel is prohibited.
8. No wake from vessel shall be permitted.
9. No dogs shall be left unattended on any vessel.
10. Intentional littering is prohibited.
11. Illegal activity aboard or using the vessel shall result in immediate termination of the Dockage Agreement.
12. Anchoring of the vessel in any unlawful location will result in immediate termination of the Dockage Agreement and in civil and/or criminal prosecution.
13. No repairs to the vessel may be made at the Barry Kutun Boat Ramp.
14. Disorderly, rowdy, or boisterous conduct and excessive noise that disrupts the quiet enjoyment of shore-based residents are prohibited.
15. Dockage Agreement holders must comply with City and County noise ordinances.
16. Hanging laundry from the vessel in public view is prohibited on the vessel.
17. Vessel owners and their guests shall familiarize themselves with the publications and warnings available from governmental sources regarding safe operation in waters frequented by manatees and must abide by all Federal, State and Local laws and ordinances, rules and regulations governing the operation of watercraft in the presence of manatees.

18. Harassment of Federal or State listed protected species is illegal and will not be tolerated. All vessel owners and guests are prohibited from feeding or leaving food for wildlife, particularly birds or endangered species.
19. Vessel owners shall contact the dockmaster's office and USCG National Response Center Spill Hotline (800-424-8802) when an oil/fuel spill is discovered. The use of detergents to break up oil spills is strictly prohibited.
20. Cleaning or washing vessels with detergents containing phosphates, chlorine, or petroleum distillates is prohibited at the Barry Kutun Boat Ramp.
21. As part of the Dockage Agreement, signatories must grant consent such that in the event of an emergency, the City has the authority to have necessary repairs made to the vessel. Emergencies include, but are not limited to, tropical storms and hurricanes; breakdown of a bilge, fuel, or sewage pump or any other leak; chafed or broken lines, or any other emergency that may imperil the vessel and possibly lead to sinking, damage to other vessels on the water, or damage to Biscayne Bay. The cost of these repairs, parts, labor or any other appropriate charges, will be billed to the vessel's owner and must be payable within 24 hours of the owner's return or as provided by the City.