

R5 AE AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING SECTION 50-10 THEREOF, ENTITLED "OTHER PERMITS AND REVIEWS," BY PROHIBITING THE ISSUANCE OF FIREWORKS PERMITS FOR THE DISPLAY, USE, OR DISCHARGE OF FIREWORKS IN BISCAYNE BAY OR IN ANY RESIDENTIAL AREA IN THE CITY; 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: December 11, 2024 1:45 p.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING SECTION 50-10 THEREOF, ENTITLED "OTHER PERMITS AND REVIEWS," BY PROHIBITING THE ISSUANCE OF FIREWORKS PERMITS FOR THE DISPLAY, USE, OR DISCHARGE OF FIREWORKS IN BISCAYNE BAY OR IN ANY RESIDENTIAL AREA IN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Click or tap here to enter text.

BACKGROUND/HISTORY

Click or tap here to enter text.

ANALYSIS

The proposed Ordinance, sponsored by Vice-Mayor Tanya K. Bhatt and Commissioner Laura Dominguez, is submitted for consideration by the Mayor and City Commission.

Biscayne Bay is a vital ecological resource for the City of Miami Beach, serving as a critical habitat for a wide variety of marine life, including endangered species, and supporting the region's overall environmental health and biodiversity. Moreover, Biscayne Bay is also essential to the cultural and economic vitality of the City, attracting residents and visitors alike with its natural beauty and recreational opportunities, and contributing to the City's economy through tourism and marine activities.

The use, display, and discharge of fireworks have been shown to release harmful chemicals (sulphur, copper and lithium to name a few), debris (including paper casings, plastics and metallic materials), and pollutants into the air and water, posing significant risks to marine ecosystems, including water contamination and harm to aquatic life disrupting their natural behaviors and polluting their habitat. Additionally, the discharge of fireworks in residential areas has also been associated with public safety concerns, including fire hazards, property damage, and noise pollution that adversely affect the quality of life of residents and the well-being of pets and wildlife.

In a Letter to Commission ("LTC") dated February 13, 2024, the Marine and Waterfront Protection Authority ("MWPA") "strongly recommended that the City Commission enact an ordinance to ban these fireworks displays, determining such action to be critical in safeguarding Biscayne Bay's environmental health and the well-being of our community.

The City has a long-standing commitment to sustainability, environmental stewardship, and the protection of its natural resources, including the preservation of Biscayne Bay and the promotion of environmentally responsible practices.

If adopted, the proposed Ordinance would prohibit the issuance of fireworks permits for fireworks to be displayed, used, or discharged in Biscayne Bay or in any residential area of the City, except for fireworks to be displayed, used, or discharged on New Year's Day, Jan. 1; Independence Day, July 4; and New Year's Eve, Dec. 31. In regulating the use of fireworks within these areas of the City's territorial jurisdiction, the proposed Ordinance aligns with the City's goals of safeguarding public health, safety, and welfare, and preserving the ecological integrity of Biscayne Bay and the residents' quality of life in its residential areas.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Click or tap here to enter text.
(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 Tanya K. Bhatt
Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

1:45 p.m. 1st Rdg PH, Prohibit Fireworks Permits for Biscayne Bay or Residential Areas.
(Bhatt/Dominguez) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "FIRE PREVENTION AND PROTECTION," BY AMENDING SECTION 50-10 THEREOF, ENTITLED "OTHER PERMITS AND REVIEWS," BY PROHIBITING THE ISSUANCE OF FIREWORKS PERMITS FOR THE DISPLAY, USE, OR DISCHARGE OF FIREWORKS IN BISCAYNE BAY OR IN ANY RESIDENTIAL AREA IN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Biscayne Bay is a vital ecological resource for the City of Miami Beach, serving as a critical habitat for a wide variety of marine life, including endangered species, and supporting the region's overall environmental health and biodiversity; and

WHEREAS, Biscayne Bay is also essential to the cultural and economic vitality of the City of Miami Beach, attracting residents and visitors alike with its natural beauty and recreational opportunities, and contributing to the City's economy through tourism and marine activities; and

WHEREAS, the use, display, and discharge of fireworks have been shown to release harmful chemicals (sulphur, copper and lithium to name a few), debris (including paper casings, plastics and metallic materials), and pollutants into the air and water, posing significant risks to marine ecosystems, including water contamination and harm to aquatic life disrupting their natural behaviors and polluting their habitat; and

WHEREAS, the discharge of fireworks in residential areas has also been associated with public safety concerns, including fire hazards, property damage, and noise pollution that adversely affect the quality of life of residents and the well-being of pets and wildlife; and

WHEREAS, in a Letter to Commission ("LTC") dated February 13, 2024, the Marine and Waterfront Protection Authority ("MWPA") "strongly recommends that the City Commission enact an ordinance to ban these fireworks displays. Such action is critical to safeguarding Biscayne Bay's environmental health and the well-being of our community;" and

WHEREAS, the City of Miami Beach is committed to sustainability, environmental stewardship, and the protection of its natural resources, including the preservation of Biscayne Bay and the promotion of environmentally responsible practices; and

WHEREAS, regulating the use of fireworks within the City's territorial jurisdiction aligns with the City of Miami Beach's goals to safeguard public health, safety, and welfare, and to preserve the ecological integrity of Biscayne Bay and the residents' quality of life in its residential areas.

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

SECTION 1. That the section of the City Code relating to other permits and reviews, as such Ordinance is codified in section 50-10 of the City Code, be amended as follows and as hereinafter set forth below:

CHAPTER 50

FIRE PREVENTION AND PROTECTION

* * *

Sec. 50-10. - Other permits and reviews.

- (a) *Fire permits.* A fire permit is required for installation, modification, or deletion of any component of a fire detection or protection system. A fire permit is issued by the fire marshal and processed by the building department for components or systems designed for smoke detection, fire alarm, fire protection or fire suppression or similar systems. A fee for the plan review, acceptance test, and inspection of work under a fire permit will be charged as specified in appendix A to include services provided by fire department staff.
- (b) *Hydrant flow test.* Upon a request from an applicant, a hydrant flow test will be performed by fire department personnel and results provided to the applicant within a reasonable time after receipt of request. A flow test may not be performed whenever the city, county, or state has any water flowing restrictions imposed on the water supply of the City of Miami Beach. A fee will be charged for each flow test as specified in appendix A.
- (c) *Occupant content sign.* Owners, managers, or operators of any assembly occupancy in the City of Miami Beach must obtain an occupant content sign issued by the fire marshal and processed by the building department. A fee for plan review and inspection related to the occupant content sign will be charged as specified in appendix A.
- (d) *Pyrotechnic displays permit.* Any person or entity using, storing, or displaying pyrotechnic devices indoor or outdoor of any facility within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (e) *Fireworks permit.* Any person or entity using, storing, or displaying fireworks for private or public display within the City of Miami Beach must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).

Other than for New Year's Day, January 1; Independence Day, July 4; and New Year's Eve, December 31, no fireworks permit shall be issued for the display, use, or discharge of fireworks in the following locations within the City's jurisdiction:

- 1) Any portion of Biscayne Bay; or
 - 2) Any residential area.
- (f) *Open burning permit.* Any person or entity engaged in open burning activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (g) *Bonfire permit.* Any person or entity engaged in a bonfire activity must first obtain a permit issued by the fire department. A fee for plan review and inspection will be charged as specified in appendix A. Additional fee will be charged for staffing of fire department personnel as determined by the fire chief. Any person or entity who does not obtain a permit, provides false information in order to obtain the permit, or who violates any provision in said permit will be charged a fine equal to the double fee as specified in subsection 50-3(d).
- (h) *Special events.* All special events permits issued by the City of Miami Beach must be reviewed and approved by the fire department. A fee for the plan review and inspection of each special event will be charged to the applicant as specified in appendix A.
- (i) *Trade shows.* All trade shows or public events taking place at the Miami Beach Convention Center or other public facility must be reviewed and approved by the fire department. A fee for plan review and inspection will be charged to the applicant as specified in appendix A.
- (j) *Sidewalk cafe permits.* All sidewalk cafes must be approved by the fire department before a permit is issued by the city. A fee for plan review and inspection will be charged as specified in appendix A.
- (k) *Special magistrate.* Special magistrate cases such as mitigation of fines requiring research and testimony of fire department personnel will be charged a fee to the applicant as specified in appendix A.
- (l) *Documents.* Requests for copies of fire department records, inspection reports, logs, or similar documents maintained by the fire marshal's office will be charged a fee as specified in appendix A.
- (m) *Adjusted rates.* The rates in appendix A pertaining to this section will be administratively adjusted annually to reflect increase(s) or decrease(s) in Consumer Price Index for all urban consumers CPI-U.

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, subsection, clause or provision of this Ordinance is held invalid, the remaindershall not be affected by such invalidity.

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 part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered 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.

~~Strikethrough~~ denotes deletions.

(Sponsored by Vice-Mayor Tanya K. Bhatt and Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/31/2024
Date

MAF