

R5 B 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 "MAINTENANCE OF PUBLIC PIERS," TO BE RETITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," AND TO REGULATE THE USE OF THE BARRY KUTUN BOAT RAMP AND ALL ASSOCIATED PIERS/DOCKS 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: July 24, 2024 10:20 a.m. Second 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 "MAINTENANCE OF PUBLIC PIERS," TO BE RETITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," AND TO REGULATE THE USE OF THE BARRY KUTUN BOAT RAMP AND ALL ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

RECOMMENDATION

At the request of the sponsor, Commissioner David Suarez, the proposed ordinance is presented to the Mayor and City Commission for consideration. The Ordinance was approved on First Reading at the June 26, 2024 City Commission Meeting. No changes have been made between First and Second Reading.

BACKGROUND/HISTORY

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 of the facility.

City Code Sec. 66-107 ("Maintenance of public piers") currently prohibits docking any vessel at any public pier or other facility for a period of more than 20 minutes. The proposed ordinance amends Sec. 66-107, by providing as follows:

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, 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.

Fines for violation of the proposed Ordinance would range from \$1000 for a first violation and immediate towing of any vessel used in the violation, \$2000 for a second violation and immediate towing of any vessel used in the violation, and \$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, which provides for criminal penalties including up to a \$500 fine and/or 60 days in jail.

ANALYSIS

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on 7/10/2024. See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Click or tap here to enter text.

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)

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 "MAINTENANCE OF PUBLIC PIERS," TO BE RETITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," AND TO REGULATE THE USE OF THE BARRY KUTUN BOAT RAMP AND ALL ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, Sec. 66-107 currently allows docking of any vessel at any public pier or other facility for a period of 20 minutes or less; and

WHEREAS, the Mayor and City Commission desire to protect the City's valid public purposes for the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park; and

WHEREAS, the Mayor and City Commission, therefore, ordain that the use of the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park shall be limited as set forth herein.

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 - Maintenance of public piers Use of the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park

~~(a) 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. Where necessary to achieve public use and avoid extended occupancy, congestion or blocking thereof, the~~

~~city manager is authorized and directed to post signs limiting the time during which a vessel may be docked or supplies or gear may be placed at or on any such pier or facility to 20 minutes. A person shall not dock a vessel at any such facility for a period of time longer than 20 minutes, or permit any public pier or such other supplies or gear to remain for a period of time longer than 20 minutes.~~

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, 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
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 5/7/2024
Date
RR