

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V, ENTITLED "BEACHES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 82-443 THEREOF, ENTITLED "HIGH IMPACT EVENTS ON BEACH PROPERTY," IN ORDER TO EXPAND THE AUTHORITY OF THE CITY MANAGER TO IMPOSE ADDITIONAL IMMEDIATE MEASURES FOR HIGH IMPACT EVENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is an internationally renowned tourist destination that is famous for its beaches, shopping and entertainment, which are among the best in the world; and

WHEREAS, due to its domestic and international popularity as a resort destination, many large-scale events, both authorized by City permits and otherwise, occur on the beaches within the City and on the City's property; and

WHEREAS, the City has seen an increasingly large number of visitors during these large-scale events, and the sizeable number of individuals attending these events has posed numerous challenges for the City; and

WHEREAS, authorized and unauthorized uses of the beaches and City property during these events have caused extensive damage, personal injury, property degradation, and have dramatically affected the quality of life of the City's residents; and

WHEREAS, these supplemental measures will authorize the City Manager to implement additional specific and immediate measures to protect the beaches and the City's property; and

WHEREAS, the Mayor and City Commission desire to adopt those additional measures, set forth herein, to further protect the beaches, City property and to ensure the public health, safety and welfare.

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

SECTION 1. That Division 1 of Article V of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 82
PUBLIC PROPERTY

* * *

ARTICLE V. BEACHES

* * *

DIVISION 1. GENERALLY

* * *

Sec. 82-443. High impact events on beach property.

(a) Definitions.

Beach property means any City property within the municipal boundaries of the City of Miami Beach that may be impacted by a high impact event (as defined herein) including, but not limited to, any the beach property between the Mean High Water Mark and the Erosion Control Line within the municipal boundaries of the City of Miami Beach, which is the subject of the Management Agreement for Certain Lands No. 750-006 between the City of Miami Beach and the Trustees of the Internal Improvement Trust Fund of the State of Florida, as such Agreement may be amended from time to time and extended.

High impact event means an event or gathering on beach property ~~in the City of Miami Beach~~ during which one or more of the following occur:

- (1) An event, activity or period of time that generates a significant spike in social media conversations, increasing audience impressions, and attention on the City, which is expected to generate attendance by more than 5,000 people for an area of beach property that extends less than 15 City blocks from south to north;
 - (2) City parking lots and garages in an area within a 15 block radius of an event that is held on beach property pursuant to a special event permit, or otherwise, are at full capacity;
 - (3) An event is held pursuant to a special event permit, which is expected to result in attendance by more than 25,000 people on beach property;
 - (4) There is a designated major event period (as set forth and identified within the special event regulations and guidelines, as may be amended from time to time);
 - (5) A maintenance of traffic plan would be required, or is required (e.g., including, but not limited to, street closures, lane closures, shuttle service) based upon the high impact event, or pursuant to a special event permit;
 - (6) Hotel occupancy levels are anticipated to be greater than 75 percent in the City;
 - (7) Law Enforcement Mutual Aid or other assistance from outside law enforcement agencies is required to provide for the safety and well-being of residents and visitors to the beach property; or
 - (8) An event on beach property, ~~which may impact public property,~~ which is anticipated to result in more than 25,000 visitors ~~to the City.~~
- (b) *City manager's authority to impose immediate measure(s) for high impact events.* Whenever the City Manager determines that a high impact event on beach property will occur, or is in progress, one or more of the following immediate measures may be imposed

~~on beach property~~ to protect the beach property (and including therein, any City property whether real or personal) from damage, property degradation, and/or unauthorized uses:

- (1) The prohibition of coolers.
 - (2) The prohibition of any inflatable devices.
 - (3) The prohibition of tents, tables, and similar structures.
 - (4) The limitation of live or amplified music, including those exemptions set forth in Section 46-157 of this Code.
 - (5) The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited (e.g., south of Fifth Street).
 - (6) The establishment of occupancy limits for different segments of beach property, and prohibiting access to those areas that have reached those occupancy limits, in order to protect the health, safety, and welfare of the general public.
 - (7) The prohibition of any direct or indirect consumption of alcohol on the beach property.
 - (8) The implementation of a license plate reader police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway, Julia Tuttle Causeway, and on any other access points into the eCity.
 - (9) The prohibition of non-City residents from utilizing or parking at those designated City surface parking lots.
 - (10) The suspension, or the issuance, of a business tax receipt to promoters pursuant to Section 102-360(2), (3), and (4) of this Code.
- (c) *Notification of high impact event measures.* When one or more immediate measures are implemented by the city manager pursuant to subsection (b) above, such measures, and their duration, shall be filed with the city clerk and delivered to appropriate news media for publication and to local radio and television stations for broadcast. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.
- (d) *Enforcement; penalty.* Any violation of the measures imposed pursuant to subsection 82-443(b) above shall be punished as provided in sSection 1-14 of this 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, subsection, clause or provision of this Ordinance is held invalid, the remainder shall 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 Code of the City of Miami Beach, Florida. 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 _____, 2019.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado 4/4/19
City Attorney Date
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