

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE MIAMI BEACH CITY CODE ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V ENTITLED "IN GENERAL," BY AMENDING SECTION 82-441 THEREOF, ENTITLED "FISHING FROM VIADUCTS AND BRIDGES, IN THE JETTY AREA BETWEEN 29TH AND 33RD STREETS, AND IN RESTRICTED SWIM AREAS," BY PROHIBITING SALTWATER FISHING ALONG THE CITY'S SEAWALLS AND THE GREEN SPACES BETWEEN 10TH AND 14TH STREETS; AND ESTABLISHING A PENALTY PROVISION FOR VIOLATIONS OF THIS SECTION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the seawalls and green space areas in the City of Miami Beach between 10th street and 14th street are frequented by residents walking with the children and dogs, and tourists who are attracted to the idyllic view of the water and the beautiful sunsets that can be observed from the water's edge; and

WHEREAS, those seawalls and green space areas between 10th and 14th streets, which are directly adjacent to Biscayne Bay water, are routinely used for saltwater fishing; and

WHEREAS, fishing in these specific areas creates unsafe and hazardous conditions due to the use of tackle equipment such as hooks, lines, and other sharp instruments, and discarded fish debris and bait with fishhooks create an unsanitary and dangerous environment for residents and visitors frequenting those areas; and

WHEREAS, the discarded bait, fishhooks, and monofilament fishing lines scattered throughout these areas by the fishermen, present an immediate danger to dogs being walked by nearby residents and other animals; and

WHEREAS, the bait and fish debris attract dogs, which, if swallowed by the pet, could easily get lodged within the animal's throat and create an immediate medical emergency; and

WHEREAS, these green spaces are directly affected by blood stains, insects, and other debris and trash that result from the discarded fishing products and materials, creating an unsightly appearance; and

WHEREAS, Section 379.2412 of the Florida statutes, expressly authorizes the City with the authority to prohibit, for the protection of the public health, safety, or welfare, saltwater fishing from real property owned by the City; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach deem it in the best interest of the health, safety, and welfare of the City's residents and visitors to prohibit fishing from the seawalls and the green spaces that are located between 10th and 14th Streets.

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

SECTION 1. That Section 82-441 of Chapter 82 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE V. BEACHES

Division 1. Generally.

* * *

Sec. 82-441. Fishing from viaducts and bridges, in the jetty area between 29th and 33rd Streets, and in restricted swim areas, and the seawalls and green space areas between 10th and 14th Streets.

(1) It shall be unlawful for any person to fish by use of hook-and-line, seine, net, trap, spear, gig, or other device from the following areas:

(a) Any viaduct or bridge;

(b) in the jetty area between 29th and 33rd Streets; and

(c) in the restricted swim areas defined in section 82-467 of this Code, in the city; and

(d) The seawalls, green spaces, or any area within 10 feet of the seawalls or the green spaces between 10th and 14th Streets.

(2) Penalties and enforcement. *To be discussed by the Neighborhood/Community Affairs Committee, and presented to the Mayor and City Commission.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 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 _____, 2019.

PASSED AND ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Sponsored by Commissioner Mark Samuelian