

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MARINE STRUCTURES, FACILITIES, AND VESSELS," BY AMENDING ARTICLE II, ENTITLED "RESTRICTED WAKE ZONES", BY AMENDING SECTION 66-43 ENTITLED "RESTRICTED AREAS," BY AMENDING SUBSECTION (c) THEREOF REGARDING THE SLOW SPEED, MINIMUM WAKE ZONES BY ADDING A YEAR-ROUND SLOW SPEED ZONE AROUND FLAGLER MEMORIAL ISLAND (THE "MONUMENT ISLAND"); AND BY AMENDING SUBSECTION (b) THEREOF TO AMEND THE BOUNDARIES OF THE IDLE SPEED, NO WAKE ZONE IN THE AREA OF THE MIAMI BEACH MARINA; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Flagler Memorial Island, also known as the Flagler Monument Island (the "Monument Island"), is an uninhabited artificial island located within the City of Miami Beach (the "City") and Biscayne Bay; and

WHEREAS, the immediate waters surrounding Monument Island are classified as a designated year-round slow speed zone, which was established pursuant to Florida Administrative Code Section 68C-22.025(1)(a)22, and extends outward to 100 feet of the general contour of the southwesterly, northwesterly and northeasterly shoreline of the Monument Island (see Exhibit A); and

WHEREAS, the slow speed zone around Monument Island is fully encompassed by a year-round zone (a designated watersports area), which prohibits the operation of any vessel, including personal watercraft, at speeds greater than 35 miles per hour pursuant to Florida Administrative Code Section 68C-22.025(1)(i)2 (see Exhibit A); and

WHEREAS, the City of Miami Beach hosts approximately 13.3 million visitors each year, and is considered one of the world's most popular tourist destinations because of its beaches, crystal-clear blue water, and amazing tropical environment; and

WHEREAS, numerous water activities, including parasailing, powerboating, and operating personal watercraft are popular waterborne activities, which are enjoyed by both residents of Miami-Dade County and tourists;

WHEREAS, the proximate location to South Beach, Monument Island, and luxury residential homes has attracted an extensive amount of people to this designated watersports zone, which is a popular area for tour boats, personal watercraft, and recreational boaters; and

WHEREAS, alcohol consumption, drug use, and general reckless activities proliferate on both, the beaches of Monument Island and in the designated watersports area, as people drink, party, and engage in debauchery on personal boats, tourist boats, and personal watercraft, often operating the vessels under the influence of either alcohol, or other illegal substances; and

WHEREAS, the year-round presence of boats and personal watercrafts, many of which are operated under the influence of alcohol and/or drugs, results in unsafe levels of vessel traffic congestion that create a significant risk of collision, or a significant threat to boating safety; and

WHEREAS, the City's Marine Patrol reports that boaters and jet skiers often violate the allowable 35 miles per hour speeding limit zone, and that accidents in the area have resulted in serious injuries or death; and

WHEREAS, since 2014 through May of 2019, there have been 595 boating violations issued within the watersports zone, with a number of boating crashes within and just outside of the watersports area; and

WHEREAS, since February of 2015, police and fire boats have responded to 346 incidents within this watersports area; and

WHEREAS, the City of Miami Beach is authorized to regulate vessel operations, including the speed and wake of vessels, by ordinance, under Section 327.46(1)(c) of the Florida Statutes, subject to review by the Florida Fish and Wildlife Conservation Commission to determine that substantial competent evidence exists to show the ordinance is necessary to protect public safety; and

WHEREAS, the Mayor and the City Commission hereby find that eliminating the 35 miles per hour watersports area around the Monument Island and designating that area as a year-round slow speed zone is necessary for the health, welfare, and safety of both, residents and tourists; and

WHEREAS, the City Commission adopted Ordinance No. 2015-3961, that gives the City the authority to establish a regulatory zone within a 500-foot radius of any public launching and landing facility pursuant to Section 327.46(1)(b)(1)(a) of the Florida Statutes; and

WHEREAS, the establishment of a 500-foot buffer around the Miami Beach Marina would create an unregulated high-speed corridor west of Meloy Channel, east of the US Coast Guard Island, and south of the MacArthur Causeway; and

WHEREAS, the boundaries codified in Section 66-43(b)(3) must be amended to protect public safety; and

WHEREAS, the City has the authority to establish a regulatory zone for the waterway west of Meloy Channel, east of the US Coast Guard Island, and south of the MacArthur Causeway pursuant to Section 327.46(1)(c) of the Florida Statutes, subject to review by the Florida Fish and Wildlife Conservation Commission to determine that substantial competent evidence exists to show the ordinance is necessary to protect public safety.

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

SECTION 1. That Section 66-43 of Article II of Chapter 66 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES, AND VESSELS

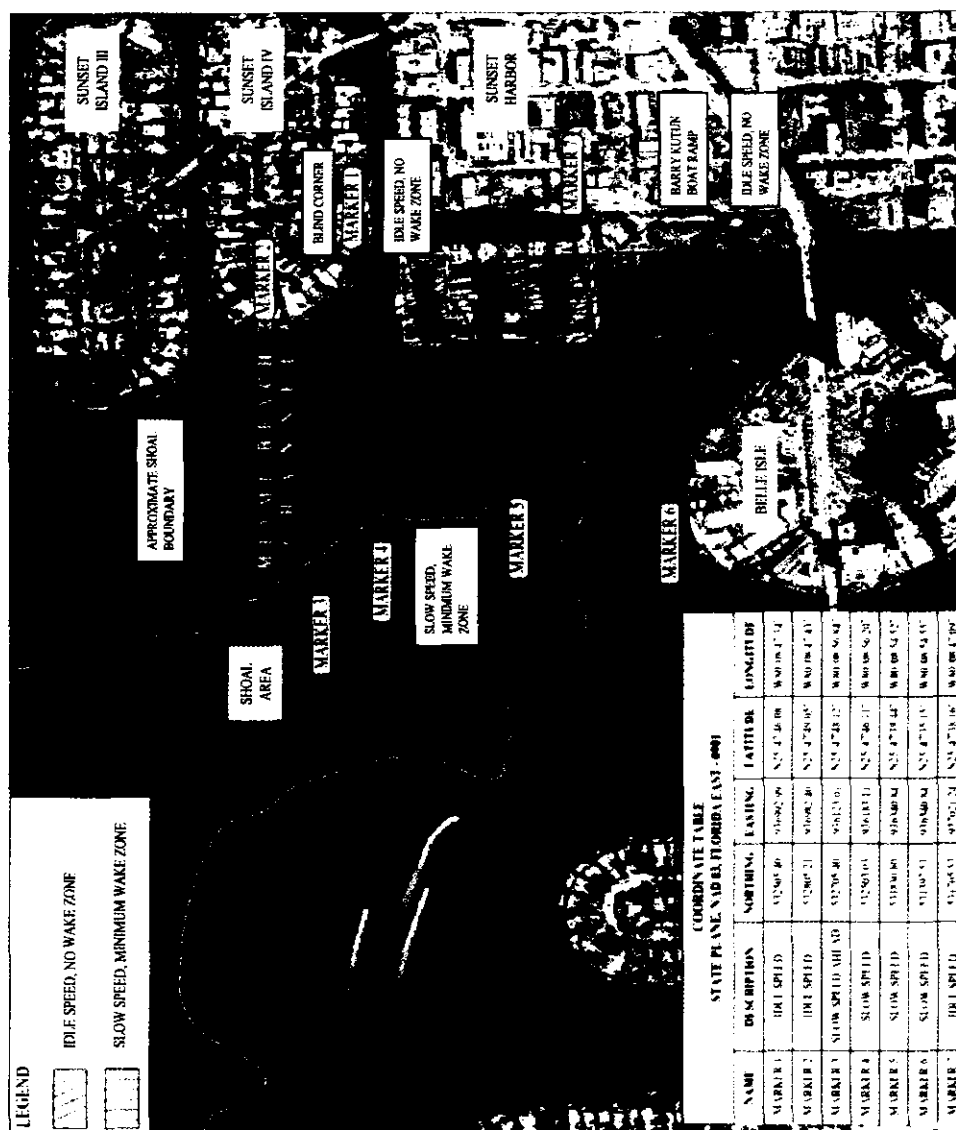
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ARTICLE II. RESTRICTED WAKE ZONES

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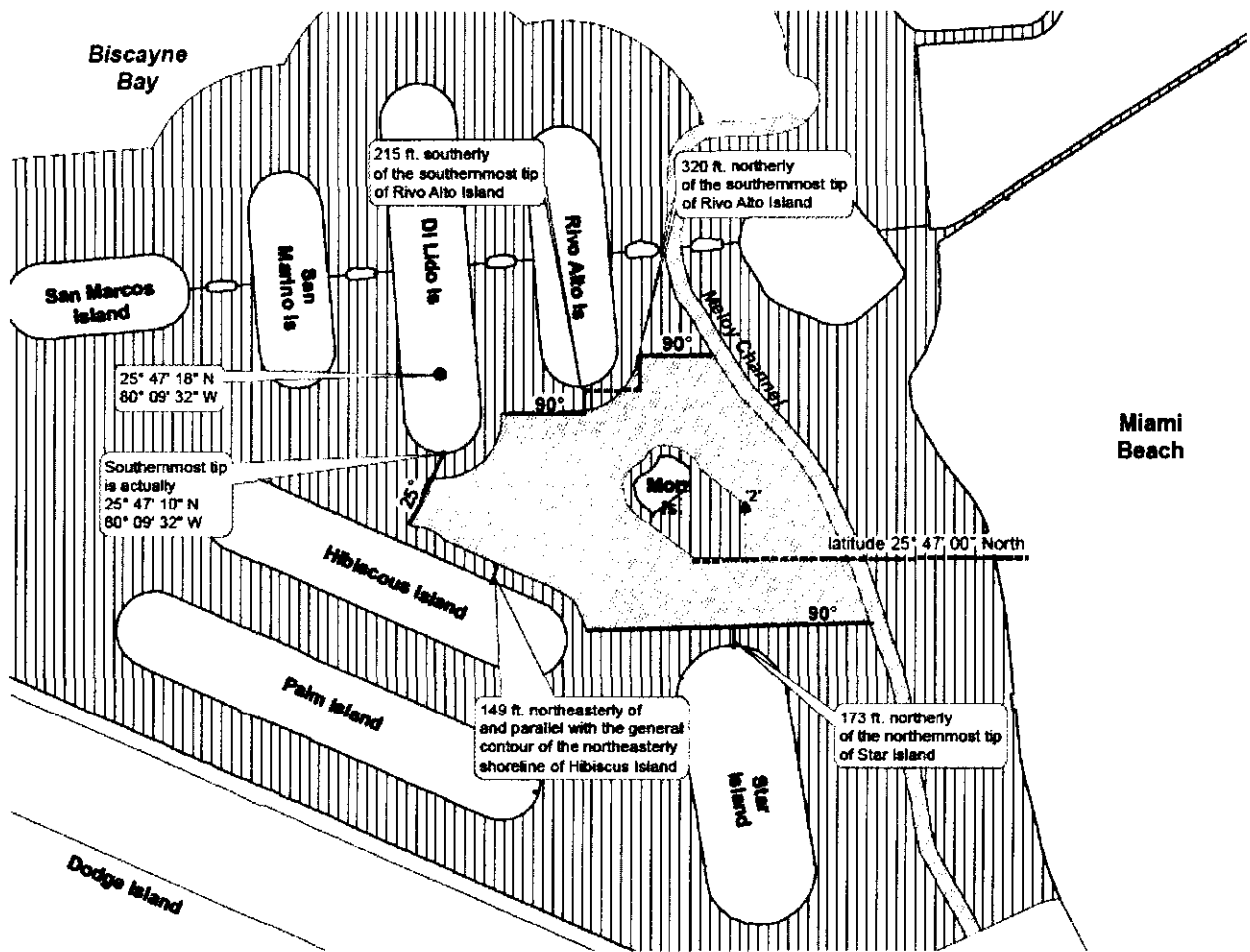
Sec. 66-43. Restricted areas.

- (a) The areas of enforcement of the provisions of this section shall be all public navigable waters, creeks, lakes, canals and channels, as provided herein, whether natural or manmade, located within the boundaries described below for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with F.S. § 327.46.
- (b) Idle Speed, No Wake Zones shall be established at the following locations:
 - (1) Within a 500-foot radius of the public access boat ramp within the Maurice Gibb Memorial Park. See Area A on Appendix 1.
 - (2) Within a 300-foot radius of the blind corner presented by the northwest corner of the Sunset Harbor Yacht Club Marina which obstructs the view between the Biscayne Bay and the channel between the Miami Beach Island and Sunset Island IV, excluding however the area of the 300-foot radius circle which is greater than 150 feet north of the northern bound of the Sunset Harbor Yacht Club Marina. See Area B on Appendix 1.
 - (3) All waters adjacent to the Miami Beach Marina from shoreline to shoreline bounded on the north by the MacArthur Causeway Bridge and bounded on the south by a line drawn from the southeastern most point of the US Coast Guard Causeway Island (25.770, -80.144) to a point on the Southeastern shoreline of Miami Beach (25.767, -80.137) ~~Within a 500-foot radius of the launching and landing facilities at the Miami Beach Marina (see Area A on Appendix 2) and within a 300-foot radius of the blind corners on the northeast and southeast corners of USCG Causeway Island and such other areas where the visibility is obstructed for vessels and other users in the adjacent areas generally bounded on the north by MacArthur Causeway, on the west by ISCG Causeway Island, and on the south by the northern boundary of Government Cut (see Area A and B on Appendix 2).~~
- (c) A Slow Speed, Minimum Wake Zone shall be established:
 - (1) That portion of Biscayne Bay which lies west of the northern portion of the Sunset Harbor area of Miami Beach, and east of the northern mid-point of Belle Isle, and excluding the shoal area in the vicinity east, north, and south of Marker 5, and bounded to the north by the imaginary line which is a westward extension of the northern boundary of the Sunset Harbor Marina Yacht Club; additionally excluding areas otherwise designated herein as Idle Speed, No Wake Zones. See Area C on Appendix 1.



- (2) Those waters of Biscayne Bay, westerly of the westerly boundary of the channel commonly known as the Meloy or East Channel, northerly of a line which bears 90 located approximately 200 feet northerly of the northernmost tip of Star Island, northeasterly of a line which is approximately 200 feet northeasterly of and parallel with the general contour of the northeasterly shoreline of Hibiscus Island, southeasterly of a line which bears 25° running through the southernmost tip of Di Lido Island (approximate latitude 25° 47' 10" North, approximate longitude 80° 09' 32" West), southerly of a line which bears 90° located approximately 200 feet southerly of the southernmost tip of Rivo Alto Island, southerly of a line which bears 90° easterly of Rivo Alto Island located approximately 300 feet northerly of the southernmost tip of Rivo Alto Island, and southeasterly of a line approximately 200 feet southeasterly of the general contour of the southeasterly shorelines of Di Lido and Rivo Alto Islands and excluding those waters of Biscayne Bay lying within 100 feet of the general contour of the southwesterly, northwesterly and northeasterly shoreline of the Flagler Memorial Monument Island, southwesterly of a line which bears 308° running through Red Nun Bouy "2" (latitude 25° 47' 05" North, longitude 80° 09' 01" West), westerly of a line bearing 90° running through

Red Nun Bouy "2", northerly of latitude $25^{\circ} 47' 00''$ North, and northeasterly of a line which bears 308° located approximately 100 feet southwesterly of the southwesternmost tip of the Flagler Memorial Monument Island. (See Appendix 3).



* * *

SECTION 2. 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 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

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

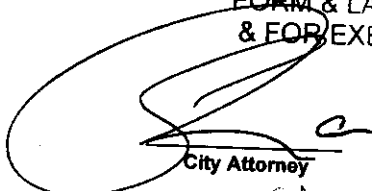
Rafael E. Granado, City Clerk

(Sponsored by Mayor Gelber)

Underline denotes additions

~~Strikethrough~~ denotes deletions

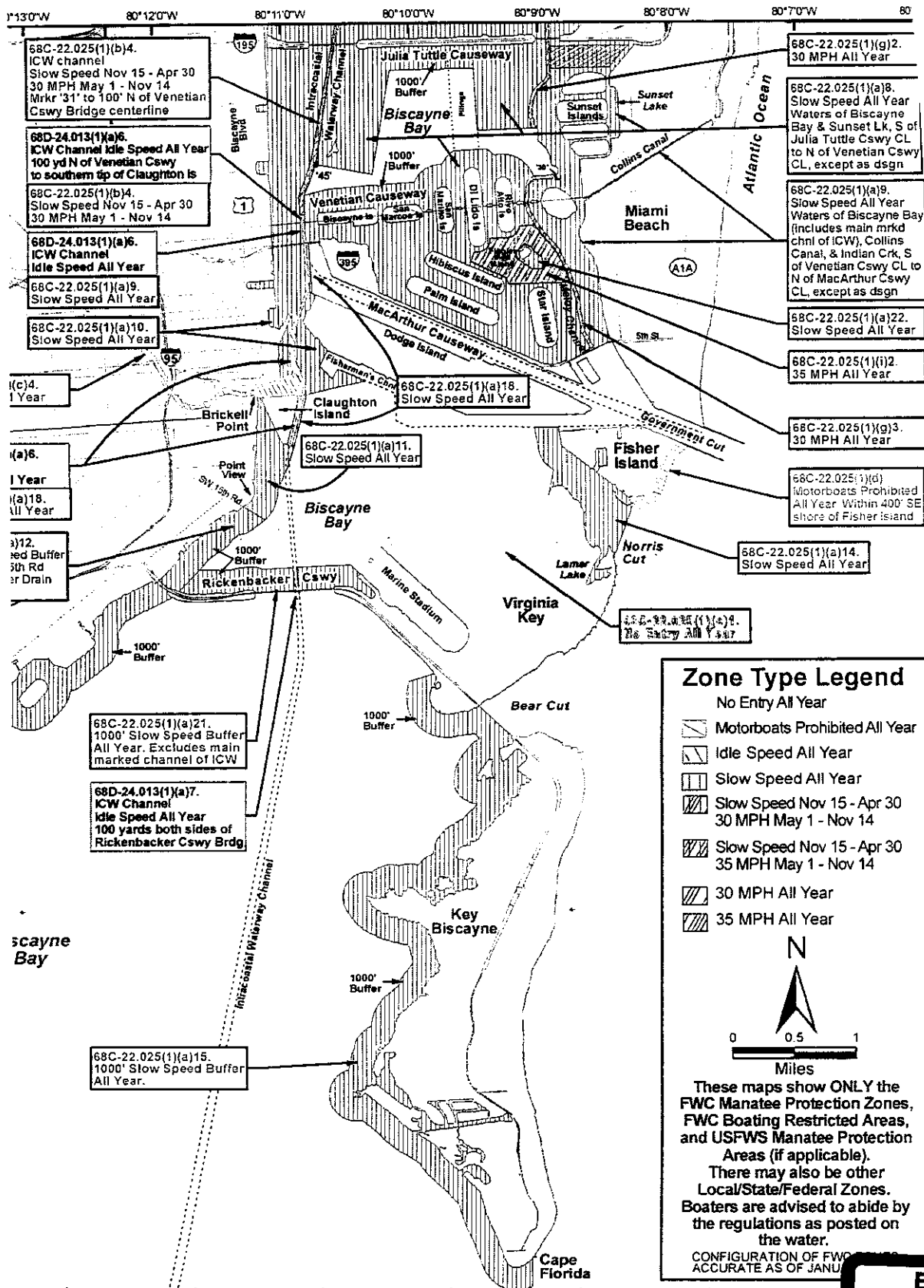
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
FA

8/29/19

Date



**MI-DADE COUNTY
C & USFWS MANATEE PROTECTION AREAS
FWC BOATING RESTRICTED AREAS**

For description of zone boundaries:
See 68C-22.025 F.A.C for State Manatee Protection Zones
See 68D-24.013 F.A.C. for State Boating Restricted Areas
50 CFR part 17.108 Federal Manatee Protection Areas

EXHIBIT

A