

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPAND THE DURATION OF THOSE HIGH IMPACT MEASURES WHICH MAY BE IMPLEMENTED DURING SPRING BREAK, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 82-443 OF THE CITY CODE, TO INCLUDE ANY OR ALL OF THAT PERIOD OF TIME FROM MARCH 1, 2020 THROUGH MARCH 31, 2020, THAT THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROTECT PUBLIC AND PRIVATE PROPERTY FROM DAMAGE, DEGRADATION AND/OR UNAUTHORIZED USES.

WHEREAS, the City of Miami Beach is an internationally renowned tourist destination that is famous for its beaches, shopping, entertainment and nightlife, 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 City property and/or on the City's public beaches; and

WHEREAS, the City has seen an increasingly large number of visitors during these events and high impact periods of time specifically including, but not limited to, Spring Break, and the sizeable number of individuals partaking in various Spring Break festivities has posed numerous challenges for the City; and

WHEREAS, authorized and unauthorized uses of the beaches and City property during Spring Break has, from time to time, caused extensive damage, personal injury, property degradation and dramatically affected the quality of life of the City's residents; and

WHEREAS, a significant portion of these events occur on the City's public beaches and property located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73rd and 75 Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street; and

WHEREAS, the Spring Break period can cause severe congestion and overcrowding upon the City's streets, and result in excessive litter, empty cups and straws, liquor bottles, and other debris left strewn about on public and private property; and

WHEREAS, the Spring Break period can also create excessive noise, and disturb the surrounding neighborhoods and negatively affect nearby businesses and residents; and

WHEREAS, in order to mitigate such effects, Section 82-443 of the City Code provides the City Manager independent authority, upon the City Manager's determination that a high impact period in a high impact zone will occur (or is in progress), to impose certain immediate measures to protect the public health, safety and welfare, and to protect public and private property from damage, property degradation and/or unauthorized uses; and

WHEREAS, the City Manager has determined that, pursuant to Section 82-443, such high impact period in a high impact zone will occur from March 1, 2020 – March 31, 2020; and

WHEREAS, at the January 15, 2020 City Commission meeting, the City Manager informed the Mayor and City Commission of certain high impact period measures, pursuant to Section 82-443, which he may implement during the Spring Break period (from March 1, 2020 – March 31, 2020), and the City Commission tentatively approved, as identified below:

- the prohibition of coolers and any inflatable devices on public beach property; and
- the prohibition of tents, tables, and similar structures; and
- the limitation of live or amplified music, which shall include the suspension of the noise exemption set forth in Section 46-157 of the City Code for those properties located from 9th Street to 11th Street on the west side of Ocean Drive, unless authorized by Special Event permit; and

- any live or amplified music shall be limited to ambient level on Ocean Drive between the hours of 11 p.m. and 7 a.m.; and
- the prohibition of any direct or indirect consumption of alcohol on public beach property; and
- the implementation of a license plate reader police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway and on any other access points into the City; and
- if necessary, the establishment of occupancy limits for different segments of public beach property, and prohibiting access to those areas that have reached those occupancy limits; and
- the suspension of all sidewalk café operations located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73rd and 75th Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street, at 12:00 a.m. daily; and
- the suspension of all business tax receipt(s) issued to promoters for any dance or entertainment event(s) to be held at an alcoholic beverage establishment located in the MXE mixed use entertainment district (excluding that portion of the MXE located between 73rd and 75th Streets), and in that portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street.

WHEREAS, pursuant to those inherent police powers vested in the City, the following additional measures may be imposed, throughout the month of March, to reduce the overcrowding and congestion upon the City's streets:

- Ocean Drive will be closed to vehicular traffic from Thursday morning – Sunday morning each week, and French barricades shall be utilized to create buffer areas between the businesses and the pedestrian areas; and
- Española Way, from Collins Avenue to Washington Avenue, will be closed to vehicular traffic from Thursday morning – Monday morning each week; and
- Ninth (9th) Avenue, from Ocean Drive to Collins Avenue, will be closed to vehicular traffic from Thursday morning – Monday morning each week; and
- Street parking shall be prohibited on Collins Avenue from Thursday morning – Sunday morning each week.

WHEREAS, the City Manager should have the authority to expand the duration of those high impact measures during Spring Break, as set forth herein, to further protect the public beaches and property, and to mitigate the adverse and deleterious effects that certain activities during Spring Break can have upon the City's resources, residents and businesses.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is hereby authorized to expand the duration of those high impact measures which may be implemented during Spring Break, beyond the 72-hour time period set forth in section 82-443 of the City Code, to include any or all of that period of time from March 1, 2020 through March 31, 2020, that the City Manager deems necessary to protect the public health, safety and welfare, and to protect public and private property from damage, degradation and/or unauthorized uses.

PASSED and ADOPTED this ____ day of _____, 2020.

ATTEST:

DAN GELBER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2/18/2020

Date