

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 SUBSECTIONS (b) and (c) THEREOF TO AMEND THE BOUNDARIES OF THE SLOW SPEED, MINIMUM WAKE ZONE IN THE AREA OF THE MIAMI BEACH MARINA; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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 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 fuel pumps open to the general boating public and within a 300-foot radius of any bridge fender system pursuant to Section 327.46(1)(b)(1)(b) and Section 327.46(1)(b)(2)(a) of the Florida Statutes, respectively; and

WHEREAS, however, the establishment of a 500-foot buffer around the fuel pumps located within 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 Bridge; and

WHEREAS, if the Meloy Channel waterway east of the USCG Island and south of MacArthur Causeway were to remain unregulated, it would present the opportunity for boaters to pass around the restricted area creating a dangerous high-speed corridor within close proximity to the USCG Island; and

WHEREAS, regulating the aforesated area with the consistent designation of "Slow Speed, Minimum Wake" would mitigate the potential hazards and allow for consistency in enforcement of the entire Meloy Channel waterway; and

WHEREAS, as such, the boundaries codified in Section 66-43(b)(3) must be amended 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

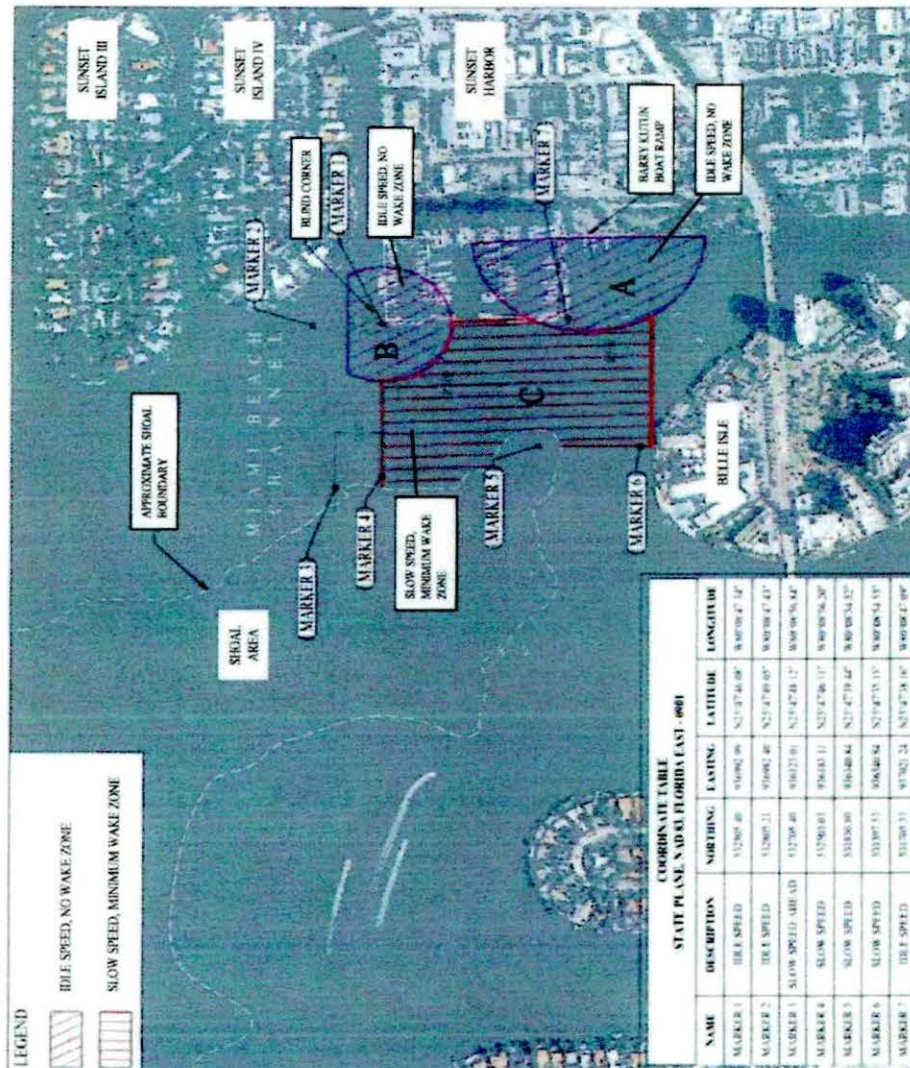
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ARTICLE II. RESTRICTED WAKE ZONES

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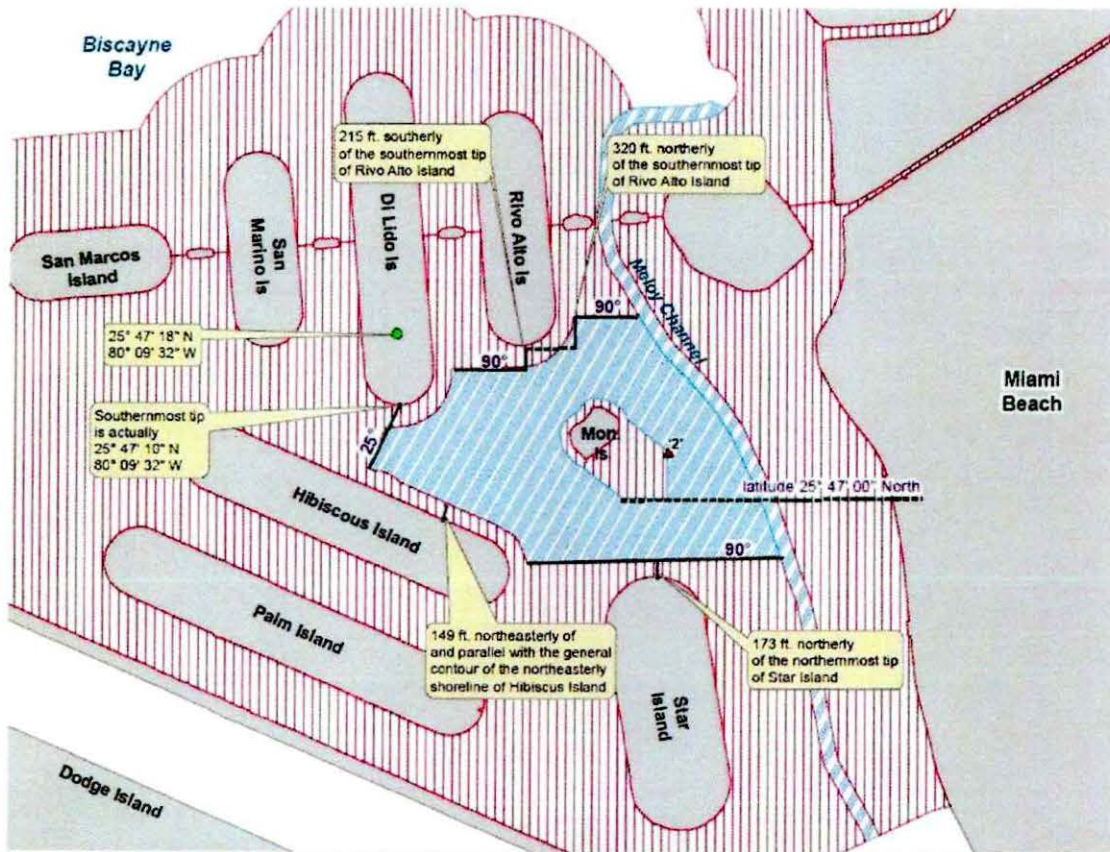
Sec. 66-43. Restricted areas.

- (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) (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.



- (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° 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).



(3) All waters south of the MacArthur Causeway Bridge bounded on the east by the Miami Beach Marina, bounded on the west by the US Coast Guard Island Restricted Area (pursuant to 33 CFR § 334.605), bounded on the south by a line drawn from a point approximately 150 feet southeast of the existing lighted buoy (25.7685, -80.1421), east to the southern entrance of the Miami Beach Marina (25.7692, -80.1403). (See Appendix 4).



Appendix 4.

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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 _____, 2020.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Mayor Gelber)

Underline denotes additions

~~Strikethrough~~ denotes deletions

(sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 9/8/20
City Attorney Date