

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission

FROM: Rafael A. Paz, City Attorney



DATE: March 27, 2023

SUBJECT: 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, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III, ENTITLED "USE OF PUBLIC PROPERTY," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY CREATING SECTION 82-72 THEREOF, ENTITLED "COMMERCIAL VESSEL ACTIVITY HOURS OF OPERATION AT PUBLICLY-OWNED MARINAS," TO LIMIT THE HOURS OF OPERATION FOR COMMERCIAL VESSEL ACTIVITY AT PUBLICLY-OWNED MARINAS AND MARINE FACILITIES; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance, which is sponsored by Vice-Mayor Steven Meiner, seeks to limit the hours of operation for commercial vessels at publicly-owned marinas and marine facilities

The City continues to receive numerous complaints from the South of Fifth Neighborhood Association and residents of the South of Fifth neighborhood, including members of the condominium associations at the ICON, Murano Grande, Murano Portofino, and Yacht Club at Portofino, regarding commercial charter vessel operations at the Miami Beach Marina, a City-owned facility, due to a significant increase in commercial vessel activity at the Marina in the last few years, particularly during the COVID-19 pandemic.

The quality-of-life complaints related to charter vessel activity include unruly commercial charter and boat rental patrons, and disturbances caused by public intoxication, persons engaging in excessively loud arguments, playing unreasonably loud music and public urination in and around the Marina facilities and parking garages.

Members of the City Commission, City staff and various representatives of Suntex, have participated in numerous meetings with residents and stakeholders concerning these issues. Commercial vessel hours of operation at the Marina were addressed at the February 28, 2023 Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") meeting, and the PSNQLC favorably recommended adoption of an ordinance to limit the hours of operation for commercial vessels at the Marina.

RAP/MAF/bhs