

## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber  
Members of the City Commission

**FROM:** Rafael A. Paz, City Attorney *MAF for* Second Reading/Public Hearing

**DATE:** April 28, 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 (the "Ordinance"), sponsored by Commissioner Steven Meiner, is submitted for second reading/public hearing at the April 28, 2023 City Commission meeting. The proposed Ordinance was approved unanimously at first reading.

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.

The proposed Ordinance has been revised to incorporate changes approved at first reading, as well as a few other minor clarifications, as follows:

1. Providing that commercial vessel activity shall be prohibited at public marinas from **9 pm. to 7 a.m.** (as approved at first reading);
2. Exempting commercial diving vessels from the requirements of the Ordinance (as approved at first reading);
3. Establishing that prohibited commercial vessel activity specifically includes *any* operation of a commercial vessel during the prohibited hours;
4. Specifying that the commercial vessel owner, operator or person using the commercial vessel is solely responsible for properly and accurately registering the vessel with the marina as such, for the purpose of claiming an exemption to the Ordinance; and
5. Clarifying that the Ordinance is not intended to prohibit public marinas and public marine facilities from providing core marina functions including, but not limited to, utilities, dockage, storage, and other services typically provided by a marina operator.

It is anticipated that the Ordinance, as modified, will serve to mitigate and ameliorate the raucous, boisterous, unruly and sometimes criminal charter vessel activity occurring at the Marina, and aid in restoring the quality of life for City residents and other persons visiting or residing in the area.

RAP/MAF/bhs