



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Alina T. Hudak, City Manager

A handwritten signature in blue ink, appearing to be "ATH", written over the name "Alina T. Hudak".

DATE: July 6, 2023

SUBJECT: Discussion regarding proposed amendments to High Impact Periods within High Impact Zones

The High Impact Ordinance was introduced in 2016 as a measure to protect the City during periods of high visitor turnout. Since its implementation, this ordinance has played a vital role in preserving the well-being and safety of our residents, businesses, and visitors.

At my request, a working group of staff and the City Attorney's Office has prepared the attached list of suggested revisions to the High Impact Ordinance, for discussion. It is my intention, based on the results of today's discussion, to present a modified ordinance for consideration at your meeting scheduled for July 26. These proposed updates will further strengthen our commitment to safeguarding our community.

Sec. 82-443. High impact periods within high impact zones.

(a) Definitions.

High impact zone means:

- ~~(1) The public beach property between the mean high water mark and the erosion control line, which is the subject of the Management Agreement for Certain Lands No. 750-006 between the City of Miami Beach and the Trustees of the Internal Improvement Trust Fund of the State of Florida, and/or~~
- ~~(2) The MXE mixed use entertainment district, excluding that portion of the MXE district located between 73rd and 75th Streets; and/or~~
- ~~(3) That portion of the CD-2 commercial, medium intensity district between Pennsylvania Avenue and Collins Court, from 5th Street to 16th Street.~~
- (1) High Impact Zone includes the area of the City bounded by 23 Street and Dade Boulevard on the north (including properties fronting the north side of 23 Street of Dade Boulevard), Government Cut on the South, Biscayne Bay on the West, and the Atlantic Ocean on the east

High impact period means:

- (1) An event, activity or period of time within a high impact zone for which no city issued special event permit has been granted, and either (i) in the prior calendar year, generated attendance of more than 10,000 people; or (ii) if it is the first occurrence of an event, activity or period of time, it is expected to generate attendance of more than 10,000 people, as determined by the city manager, in his reasonable discretion; or
- (2) An event that is held pursuant to a city-issued special event permit, which is expected to result in attendance by more than 25,000 people within a high impact zone, as determined by the city manager, in his reasonable discretion.

Note(s)—The city manager's determination of a high impact period should be limited to a finite period ("72 **96** hours"), unless otherwise extended by the mayor and city commission.

(b) *City manager's authority to impose immediate measure(s) during high impact periods.* Whenever the city manager determines that a high impact period in a high impact zone will occur, or is in progress, one or more of the following immediate measures may be imposed to protect the public health, safety and welfare including, without limitation, the protection of public and private property from damage, degradation, and/or unauthorized uses:

- ~~(1) The prohibition of any direct or indirect consumption of alcohol on public beach property.~~
- (1) The limitation of live or amplified music, including those exemptions set forth in section 46-157 of this Code.
- (2) Require a permit for all portable sound amplification devices (except for cellular phones and smart watches) prior to their use on public property. This includes portable stage sound equipment and portable speakers.
- (3) The limitation of traffic routes to prohibit vehicular access to non-residents, and permit access only for residents and those patrons and employees of businesses located in the specific area where traffic routes have been limited.
- (4) The establishment of occupancy limits for different segments of public beach property and prohibiting access to those areas that have reached those occupancy limits.

-
- (5) The closure of segments of the public beach property at 6:00 p.m. unless area is secured for the use of a ticketed special event.
 - (6) The prohibition of coolers and inflatable devices on public beach property.
 - (7) The prohibition of tents, tables, and similar structures.
 - (l) ~~The implementation of a license plate reader police detail, which may be utilized on eastbound traffic lanes of the MacArthur Causeway, Julia Tuttle Causeway, and on any other access points into the city.~~
 - (8) The implementation of a high impact parking rate equal to double the event flat rate in effect. Excluding residents.
 - (9) The suspension, or the issuance, of a business tax receipt to promoters pursuant to section 102-360 of this Code.
 - (l) ~~The suspension and closure of all or part of sidewalk café operations (including, without limitation, the removal of all or any sidewalk café furniture), pursuant to subsection 82-381(e)(i) of the Code.~~
 - (10) The implementation of a high impact non-resident towing rate equal to double the non-resident towing rate in effect.
- (c) *Notification of high impact period measures.* When one or more immediate measures are implemented by the city manager pursuant to subsection (b) above, the city manager shall provide written notice to the mayor and city commissioners of the measures he intends to take, including their intended duration; provided, however, that the city manager shall not implement such measures for a consecutive period of more than ~~72~~ 96 hours without calling an emergency meeting of the city commission and getting the city commission's approval to extend. Notice shall also be provided to appropriate news media for publication and to local radio and television stations for broadcast, as well as posted on the city's website. If practicable, signs may be posted in the impacted area(s) advising of the measures during the duration of such measures.
- (d) *Enforcement; penalty.* Any violation of the measures imposed pursuant to subsection 82-443(b) above shall be punished as provided in section 1-14 of this Code.
- (Ord. No. 2016-4019, § 1, 6-8-16; Ord. No. 2019-4266, § 1, 5-8-19; Ord. No. 2019-4268, § 1, 5-8-19)