

MIAMI BEACH

Rafael A. Paz, City Attorney

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner
Members of the City Commission

FROM: Rafael A. Paz, City Attorney



DATE: January 31, 2024

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE IV., ENTITLED "VESSELS," BY AMENDING SECTION 66-151 THEREOF, ENTITLED "LAUNCHING, HAULING AND DOCKING AT PUBLIC SEAWALL, ETC., PROHIBITED – UNAUTHORIZED VESSELS: ENFORCEMENT," BY MODIFYING THE NOTICE REQUIREMENTS FOR THE TOWING OF UNAUTHORIZED VESSELS DOCKED OR OTHERWISE SECURED ALONG THE CITY'S PUBLIC SEAWALLS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), sponsored by Commissioner David Suarez, is submitted for first reading at the January 31, 2024 City Commission meeting.

The City Commission has received complaints about persons docking at public seawalls in residential neighborhoods, causing problems and concerns in such areas. The City has approximately 29,479 feet of public seawall, which is the equivalent of 5.58 miles, within its territorial jurisdiction.

The City seawalls serve the purpose of protecting the island and any public improvements from seawater encroachment. However, the City's seawalls are simply not designed to act as a dock or tie-off point for the launching, docking or hauling of vessels. As the waterfront may be covered in coral, rocks, oyster beds and/or various seaweeds, the improper and unauthorized docking of vessels on City seawalls that were not designed for such activities implicates safety hazards and the risk of physical injury to persons and/or damage to property. For these reasons, the improper use of the seawalls as a docking, launching or hauling location would not be protective of the health, safety and welfare of the citizens and visitors of Miami Beach.

Chapter 66 of the City Code provides for the regulation of vessels and docking, including limitations on docking at public and private property within the City. The City Code provides that the launching, docking or hauling of vessels from public seawalls that are located within residential districts is a violation of the City Code, which subjects the violator to the issuance of a notice of violation (with an associated civil fine), along with the towing of the illegally docked vessel if the appropriate notice (signage) requirements are met.

The proposed Ordinance would modify the notice (signage) requirements pertaining to the access and use of the City's seawalls as it relates to the towing of vessels illegally utilizing the City's public seawalls.

If adopted, the Ordinance would increase the maximum allowable distance between "Tow-Away Zone" notices (signs) posted along the City's public seawalls from 25 feet to 100 feet. Furthermore, the Ordinance would eliminate the requirement that such notices (signs) also be posted 3 – 6 feet above ground.

Accordingly, the proposed Ordinance will serve the City's health, safety and welfare goals of providing appropriate notice to the general public that vessels illegally docked along the City's public seawall are subject to being towed, and would eliminate the burden and financial expense for the City of excessive signage.

RAP/ MAF/bhs