

ORDINANCE NO. _____

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, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V, ENTITLED "BEACHES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 82-443 THEREOF, ENTITLED "HIGH IMPACT PERIODS WITHIN HIGH IMPACT ZONES," IN ORDER TO MODIFY THE HIGH IMPACT PARKING RATE TO A HIGH IMPACT PARKING RATE OF UP TO \$100.00, WITH AN EXCEPTION FOR RESIDENTS AND EMPLOYEES OF LOCAL BUSINESSES; AND BY AMENDING APPENDIX "A" OF THE CITY CODE, ENTITLED "FEE SCHEDULE," TO REFLECT THE AMENDMENT IN SECTION 82-443; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is an internationally renowned tourist destination that is famous for its beaches, shopping, arts and entertainment, which are among the best in the world; and

WHEREAS, due to its domestic and international popularity as a resort destination, many large-scale events and activities, both authorized by City permits and otherwise, occur on the beaches and on the City's property; and

WHEREAS, the City has seen an increasingly large number of visitors during these large-scale events and activities, and the sizeable number of individuals attending these events/activities has posed numerous challenges for the City, including a surge in the number of vehicles seeking parking spaces; and

WHEREAS, the Mayor and City Commission wish to modify the high impact parking rate to up \$100.00, with an exception for residents and employees of local businesses, to manage and regulate the demand for limited parking resources effectively, and incentivize event attendees to explore alternative transportation options such as public transit, ridesharing, or carpooling.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Division 1 of Article V of Chapter 82 of the Code of the City Miami Beach is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE V. BEACHES

* * *

DIVISION 1. GENERALLY

* * *

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

(a) *Definitions.*

High impact zone means:

- (1) The area(s) of the city, which may include the public beach property, that the city manager designates as subject to a high impact period.

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 or her 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 or her reasonable discretion.

Note(s)—The city manager's determination of a high impact period should be limited to a finite period ("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 implementation of a high impact parking rate of up to \$100.00, with an exception for residents and employees of local businesses equal to double the event flat rate otherwise in effect.
- (2) The implementation of a high impact, non-resident towing rate equal to double the non-resident towing rate otherwise in effect.
- (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 such occupancy limits.
 - (5) The prohibition of coolers and inflatable devices on public beach property.
 - (6) The prohibition of tents, tables, and similar structures.
 - (7) The closure of any segment(s) of the public beach property at 6:00 p.m., unless any such area is utilized for a ticketed special event.

 - (8) The suspension, or the issuance, of a business tax receipt to promoters pursuant to section 102-360 of this Code.
 - (9) The requirement that all sound amplification devices, other than cellular telephones, smart watches and those devices contained within a motor vehicle, must obtain a permit from the city prior to the use of any such sound amplification device on public property.
- (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 or she 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 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.

SECTION 2. Appendix A, entitled "Fee Schedule," is hereby amended as provided in "Exhibit A" to this Ordinance.

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. 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 Code of the City of Miami Beach, Florida. 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 6. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2024.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *FA*

1-23-24
Date

EXHIBIT "A"

APPENDIX A - FEE SCHEDULE

FEE SCHEDULE

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

Section of this Code	Description	Amount (Sales tax or other taxes may apply)	Annual Adjustment (References shown are defined at the end of this Appendix A)
	<u>Chapter 82. Traffic and Vehicles</u>		
	* * *		
	<i>Article V. Beaches</i>		
	<u>DIVISION 1. GENERALLY</u>		
82-443(b)(1)	High impact parking rate	<u>up to \$100.00,</u> <u>with an exception for residents and employees of local businesses</u> Double the event flat rate otherwise in effect	