

MIAMI BEACH

Rafael A. Paz, City Attorney

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COMMISSION MEMORANDUM

TO: Mayor Steven Meiner
Members of the City Commission

FROM: Rafael A. Paz, City Attorney



DATE: February 21, 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 PROHIBITING THE DOCKING OR MOORING OF VESSELS AT OR ALONG CERTAIN PUBLIC PROPERTY, AND MODIFYING THE NOTICE REQUIREMENTS FOR THE TOWING OF UNAUTHORIZED VESSELS DOCKED OR OTHERWISE SECURED ALONG THE CITY'S PUBLIC PROPERTY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), sponsored by Commissioner David Suarez and co-sponsored by Commissioner Joseph Magazine, is submitted for first reading at the February 21, 2024 City Commission meeting.

The City Commission has received complaints about persons docking at public seawalls, outfalls, and other public property, 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, with outfalls at certain points for drainage purposes. However, the City's seawalls and related infrastructure such as outfalls 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 in areas 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, outfalls or other City infrastructure 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 is a violation of the City Code, which subjects the

violation 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 property as it relates to the towing of vessels illegally utilizing the City's public seawalls, outfalls, or other public property or infrastructure.

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 and would authorize the City to post such "Tow-Away Zone" notice directly onto a vessel (instead of the seawall) if an unauthorized vessel is docked at an area in which posting notices (signs) along the seawall is impracticable. 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