

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 I, ENTITLED "IN GENERAL," BY AMENDING SECTION 82-2, ENTITLED "CLOSING PUBLIC PARKS, BEACHES, GOLF COURSES DURING CERTAIN HOURS," BY AMENDING THE CLOSING HOURS FOR PUBLIC BEACHES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, due to the incidents of violent crimes that steadily increase on the City's beaches after 10 p.m. at night until 5:00 a.m. the following morning, the Mayor and City Commission deem it in the best interest of the public health, safety and welfare to close the City's public beaches at 10 p.m. instead of at midnight; and

**WHEREAS**, closing the City's beaches at the earlier hour of 10 p.m. removes additional opportunities for those looking to commit a crime to do so on unsuspecting persons simply trying to enjoy a late night walk on the beach; and

**WHEREAS**, a beach closing time of 10 p.m., instead of midnight, will facilitate the Miami Beach Police Department's ability to patrol the beaches during the shift overlap.

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

**SECTION 1.**

That Section 82-2 of Article I of Chapter 82 of the City Code is hereby amended as follows:

**Chapter 82**

**PUBLIC PROPERTY**

**ARTICLE I. IN GENERAL**

\* \* \*

**Sec. 82-2. - Closing public parks, beaches, golf courses during certain hours.**

- (a) No person shall be or remain in any part of any public park, beach or golf course that is fenced in or provided with gates between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain in any public park, beach or golf course not fenced in or provided with gates, between the hours of 12:00 midnight and 5:00 a.m. on the following day; nor shall any person be or remain in any public beach not fenced in or provided with gates, between the hours of 10:00 p.m. and 5:00 a.m. on the following day; except that persons may pass through such public park without stopping, on

the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination.

- (b) The provisions of this section shall not apply to police officers or employees of the recreation, culture and parks department while in the discharge of their duties nor to persons having a permit in writing to be or remain in any part of any public park, beach or golf course between such hours.
- (c) The city manager has the authority to establish exceptions to the closing hours as set forth above when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

\* \* \*

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## **SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## **SECTION 4. 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 Miami Beach City Code. 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 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Kristen Rosen Gonzalez)

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

2/1/17  
\_\_\_\_\_  
Date