

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: September 13, 2017

### First Reading

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, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE V, ENTITLED "REGATTAS AND BOAT RACES," BY AMENDING SECTION 66-186, ENTITLED "PERMIT, CONDITIONS,"; BY AMENDING THE REQUIREMENTS FOR LIABILITY INSURANCE FOR SPECIAL EVENT PERMITS FOR REGATTAS AND BOAT RACES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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### RECOMMENDATION

Pursuant to the request of Commissioner Kristen Rosen Gonzalez, the attached Ordinance is submitted for consideration on First Reading by the Mayor and City Commission at the September 13, 2017 Commission meeting.

### Legislative Tracking

Office of the City Attorney

### Sponsor

Commissioner Kristen Rosen Gonzalez

### ATTACHMENTS:

#### Description

- ▣ Ordinance 1st Rdg, Ch. 66, Marine Structures, Facilities & Vessels - Insurance. (Rosen Gonzalez)

ORDINANCE NO. \_\_\_\_\_

**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, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," BY AMENDING ARTICLE V, ENTITLED "REGATTAS AND BOAT RACES," BY AMENDING SECTION 66-186, ENTITLED "PERMIT, CONDITIONS,"; BY AMENDING THE REQUIREMENTS FOR LIABILITY INSURANCE FOR SPECIAL EVENT PERMITS FOR REGATTAS AND BOAT RACES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 26, 2017, the Mayor and City Commission passed and adopted Ordinance No. 2017-4116 which made comprehensive revisions to Chapter 66 of the City Code entitled "Marine Structures, Facilities and Vessels" by amending provisions that were obsolete, outdated, or not consistent with current law; and

**WHEREAS**, an additional revision to the liability insurance requirements for special event permits for regattas and boat races is deemed in the best interest of the City.

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

**SECTION 1.**

That Article V of Chapter 66 of the Code of City of Miami Beach is hereby amended as follows:

**Chapter 66**

**MARINE STRUCTURES, FACILITIES AND VESSELS**

\* \* \*

**ARTICLE V. REGATTAS AND BOAT RACES**

#### **Sec. 66-186. Permit; conditions.**

The city manager may, when it deems the occasion warrants, grant a special event permit to hold a regatta or boat race in the city or make temporary use of a designated area in the city for a special event or activity in which unmuffled engines may be used, speed limits may be exceeded, and normal traffic interrupted. A permit for boat races shall not exceed ten days and shall be limited to the hours between 8:00 a.m. and sunset. No permit shall authorize interference with normal harbor traffic for a period exceeding eight hours in any 24-hour period. As a condition for granting such permit, the city manager shall require the permittee to provide liability insurance for the full period of time for which the permit is granted in an amount of not less than: a) \$100,000.00 \$1,000,000.00 for bodily injury to one person, and these other amounts of insurance mandated by the city's risk manager \$500,000.00 for bodily injury in any one accident, and \$100,000.00 for property damage in any one accident for non-motorized regattas and boat races and b) \$1,000,000.00 for bodily injury and property damage for motorized regattas and boat races. The policy providing such insurance must name the city as an additional insured. A certificate evidencing that such insurance is in force and will remain in force for the period of such permit shall be filed with the city's finance department and risk manager in a form approved by the city attorney before any such permit shall be effective. The city manager or his/her designee may impose additional conditions as deemed necessary to protect persons and property and to assure that the activity will not create a nuisance or interfere with the reasonable use of the waters of the city by other vessels. No such permit shall be effective until it has been granted by the city manager.

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#### **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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Rafael Granado  
City Attorney *dx*

8/30/17  
Date

(Sponsored by Commissioner Kristen Rosen Gonzalez)