

**RESOLUTION NO. 2018- \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE, AND AMENDING THE RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, BY REQUIRING ALL UPLAND OWNER CONCESSIONAIRES AND THEIR THIRD PARTY CONCESSION OPERATORS TO UTILIZE 100% REUSABLE WARES IN CONNECTION WITH THEIR BEACHFRONT CONCESSION OPERATIONS, INCLUDING THE DELIVERY, SERVICE, AND CONSUMPTION OF FOOD AND BEVERAGES, WITH THE EXCEPTION OF PAPER NAPKINS, TIN FOIL OR PAPER LINERS; AND FURTHER APPROVING THE FOURTH AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, THAT WILL INCORPORATE THIS AMENDMENT.**

**WHEREAS**, On January 31, 2001, the City Commission adopted Resolution 2001-24251, approving a First Amendment to the Rules and Regulations for Beachfront Concession operations (Rules and Regulations), thereby prohibiting the cooking or heating of food on the beachfront; and

**WHEREAS**, on September 5, 2001, the City Commission adopted Resolution No. 2001-24571, approving the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations; and

**WHEREAS**, on January 30, 2002, the City Commission adopted Resolution No. 2002-24736, amending the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations to include rules for beach chair deployment, design guidelines for concession facilities, and rules for watersport operations, in accordance with the Administration's recommendations; and

**WHEREAS**, on March 17, 2003, the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations were further amended to include the Administration's policy for vehicle operation on the beach; and

**WHEREAS**, on May 11, 2016, the City Commission adopted Resolution No. 2016-29403, adopting the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations; and

**WHEREAS**, the City of Miami Beach (the City), a world-renowned tourist destination, declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce litter and pollutants on the lands and in the waters of the City, and along its shores and famous beaches; and

**WHEREAS**, single-use plastic is neither readily recyclable nor biodegradable, and takes hundreds to thousands of years to degrade in the environment; and

**WHEREAS**, the discarded single-use plastic containers and wares contribute to overburdened landfills, threaten wildlife and marine life, and degrade and litter our beaches; and

**WHEREAS**, the distribution of single-use plastic wares by businesses to consumers and patrons has a detrimental effect on the environment of the City, County, and State; and

**WHEREAS**, as an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use plastics with reusable, recyclable, or compostable alternatives whenever possible; and

**WHEREAS**, in connection with the beachfront concession operations, the City could execute one of two types of letter agreements with an Upland Owner Concessionaire: (1) a Commercial Beachfront Concession Agreement, permitting an Upland Owner Concessionaire to operate a Beachfront Concession for sales, services and rentals to the general public, in addition to its guests and residents, or (2) a Non-Commercial Beachfront Concession Agreement, which permits an Upland Owner Concessionaire to operate a Beachfront Concession for sales, services and rentals solely to its guests and residents; and

**WHEREAS**, the Administration recommends that all Upland Owner Concessionaires and their Third Party Concession Operators be required to use wares which are 100% reusable in connection with their beachfront concession operations, including the delivery, service, and consumption of food and beverages (F&B), with the exception of paper napkins, tin foil or paper liners, and that they be required to collect and remove the wares, after their use, from the public beach; and

**WHEREAS**, in the formulation of this revision, the Administration has solicited input from upland owners; Upland Owner Concessionaires, who are parties to a Commercial Beachfront Concession Agreement with the City, which include F&B services; beachfront concessionaires, and representatives from Miami-Dade County Beach Operations, and

**WHEREAS**, the Administration submitted the proposed revision to the Rules and Regulations to the Sustainability and Resiliency Committee (SRC) at its January 10, 2018 meeting, where the SRC recommended that the proposed Fourth Amended and Restated Rules and Regulations be presented to the full City Commission for consideration and approval, during its February 14, 2018 City Commission meeting; and

**WHEREAS**, in the interim, the SRC recommended one additional meeting be held with the affected beachfront concessionaires for input and feedback; and

**WHEREAS**, the Administration secured feedback from various hotels which operate commercial beachfront concessions, which include F&B services, located within the jurisdiction of Miami Beach, as well as the surrounding jurisdictions of Sunny Isles Beach and Surfside, and the general consensus was that it is less expensive to offer F&B services with reusable wares than with disposable wares; and

**WHEREAS**, the Administration recommends the approval of the Fourth Amended and Restated Rules and Regulations for Beachfront Concession Operations, which is incorporated

herein by reference and attached to the City Commission Memorandum accompanying this Resolution, incorporating this amendment.

**NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby accept the recommendation of the Sustainability and Resiliency Committee, and amend the Rules and Regulations for Beachfront Concession Operations, by requiring all Upland Owner Concessionaires and their Third Party Concession Operators to utilize 100% reusable wares in connection with their beachfront concession operations, including the delivery, service, and consumption of food and beverages, with the exception of paper napkins, tin foil or paper liners; and further approve the Fourth Amended and Restated Rules and Regulations for Beachfront Concession Operations, that will incorporate this amendment.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]*

City Attorney

9-5-18  
Date