

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE 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 II ENTITLED "RESTRICTED WAKE ZONES," BY AMENDING SECTION 66-43 ENTITLED "RESTRICTED AREAS" TO PROVIDE BOATING-RESTRICTED AREAS NEAR CITY OF MIAMI BEACH BRIDGES TO PROTECT THEM FROM SALT WATER CORROSION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, engineers overseeing the current repairs to the MacArthur Causeway, have determined that motor operated water vessels traveling at high speed and discharging salt water spray to the underside of the causeway have resulted in extensive corrosion, necessitating current repairs to beams and columns; and

WHEREAS, the Florida Department of Transportation's ("FDOT") May 2018 report corroborates the engineers' findings that salt water discharged by watercrafts traveling under bridges is the leading cause of corrosion, and recommends implementing those measures to limit watercraft travel; and

WHEREAS, FDOT has deemed parts of those bridges subject to salt water spray from motor operated water vessels to be an "aggressive environment," which increases the likelihood of corrosion and decay; and

WHEREAS, the head of FDOT's Structures Operations, a division responsible for statewide oversight of inspection, management and repair of Florida bridges, believes that there is extensive corroborative evidence showcasing that salt water spray from motor operated watercrafts directly contribute to the rapid corrosion of bridges; and

WHEREAS, a report by Lehigh University's Advanced Technology for Large Structural Systems ("ATLSS") Engineering Research Center identified a bridge in South Florida that necessitated repairs based upon the accelerated corrosion from the salt water spray, which was caused by personal watercraft passing underside of the bridge at high speeds; and

WHEREAS, the anti-corrosion control plan for bridges issued by the National Association of Corrosion Engineers ("NACE"), an international leading authority on corrosion, identified marine environments to be highly aggressive toward the corrosion of those bridges that are immediately adjacent to seawater, and are thereby at great risk of corrosion and decay; and

WHEREAS, the protection of the structural integrity of the City's bridges are essential to the public health, safety, and welfare of the City residents and visitors; and

WHEREAS, the Mayor and the City Commission hereby find that the protection of the structural integrity of the City's bridges from salt water corrosion requires the establishment of a slow speed, minimum wake boating-restricted areas within 300 feet of select bridges in the City of Miami Beach; and

WHEREAS, Section 327.46(1)(b)(2) of the Florida Statutes, empowers the City Commission to establish slow speed, minimum wake boating-restricted area by ordinance if the area is within 300 feet of any bridge fender system and within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the Julia Tuttle Causeway crossing the waters of the Biscayne Bay has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, SR-934 EB crossing the waters of the East Biscayne Bay has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, The Venetian Causeway extending from Rivo Alto to Belle Isle and crossing the waters of the Biscayne Bay has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the MacArthur Causeway crossing the waters of the East channel has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the bridge located at West 47th Street crossing the waters of the Biscayne Waterway has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the bridge located at 63rd Street crossing the waters of the Indian Creek Canal has a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the two bridges located at Sunset Drive crossing the waters of the Sunset Lake Canal have a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

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

SECTION 1. That Section 66-4 of Article I of Chapter 66 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES, AND VESSELS

ARTICLE I. IN GENERAL

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Section 66-4. Definitions.

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Boat livery means the business of holding out vessels for rent, lease or charter.

Bridge is any structure, including supports, erected over a depression or over an obstruction such as water, highway or railway, or for elevated roadway, for carrying traffic or other moving loads, and having a length, measured along the center of the roadway, of more than 20 feet between the inside faces of end supports. A multiple-span box culvert is considered a bridge, where the length between the extreme ends of the openings exceeds 20 feet.

* * *

Mooring means any appliance used to secure a vessel to a dock or pier, which may or may not be carried aboard such vessel as regular equipment when under way; also the attaching of a vessel to a permanent or floating structure or other vessel.

Motorboat means a vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.

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Passengers for hire means the carriage of any person by a vessel for a valuable consideration, whether direct or indirect, flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

Personal watercraft means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

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SECTION 2. That Section 66-43 of Article II of Chapter 66 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 66

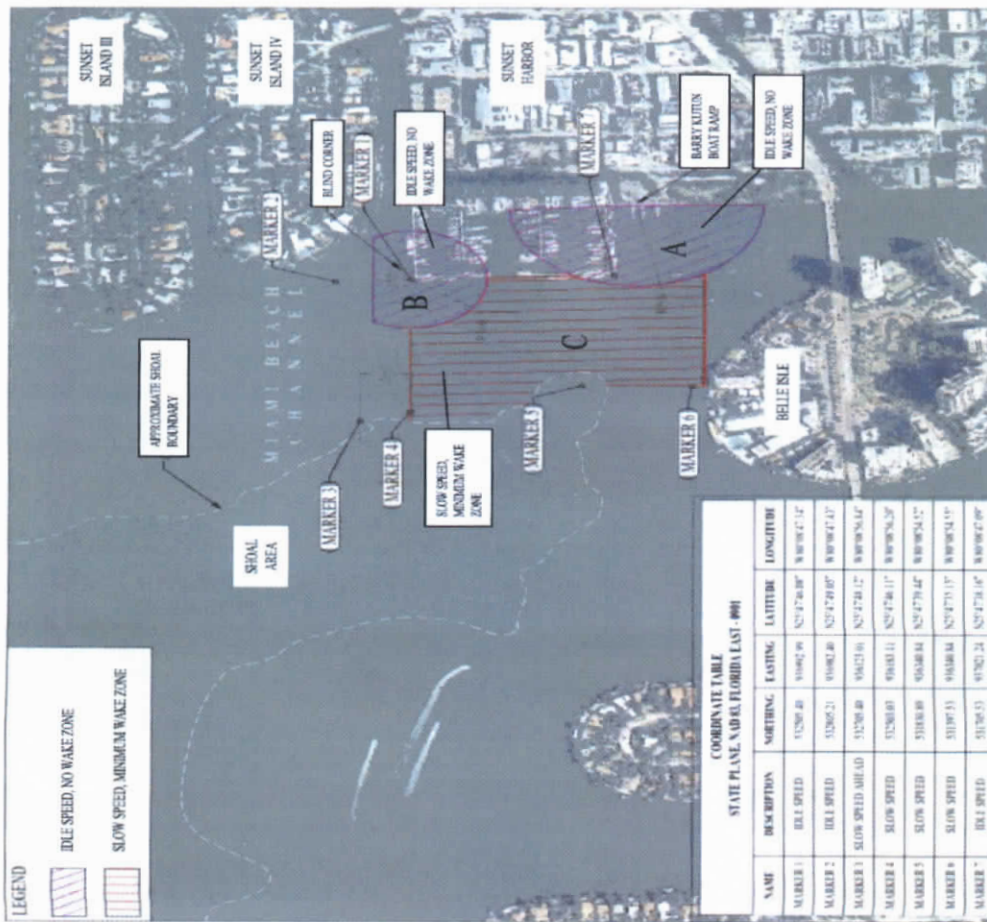
**MARINE STRUCTURES, FACILITIES, AND VESSELS
ARTICLE II. RESTRICTED WAKE ZONES**

* * *

Section 66-43. Restricted areas.

- (a) The areas of enforcement of the provisions of this section shall be all public navigable waters, creeks, lakes, canals and channels, as provided herein, whether natural or manmade, located within the boundaries described below for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with F.S. § 327.46.
- (b) Idle Speed, No Wake Zones shall be established at the following locations:

- (1) Within a 500-foot radius of the public access boat ramp within the Maurice Gibb Memorial Park. See Area A on Appendix 1.
 - (2) Within a 300-foot radius of the blind corner presented by the northwest corner of the Sunset Harbor Yacht Club Marina which obstructs the view between the Biscayne Bay and the channel between the Miami Beach Island and Sunset Island IV, excluding however the area of the 300-foot radius circle which is greater than 150 feet north of the northern bound of the Sunset Harbor Yacht Club Marina. See Area B on Appendix 1.
 - (3) Within a 500-foot radius of the launching and landing facilities at the Miami Beach Marina (see Area A on Appendix 2) and within a 300-foot radius of the blind corners on the northeast and southeast corners of USCG Causeway Island and such other areas where the visibility is obstructed for vessels and other users in the adjacent areas generally bounded on the north by MacArthur Causeway, on the west by ISCG Causeway Island, and on the south by the northern boundary of Government Cut (see Area B on Appendix 2).
- (c) A Slow Speed, Minimum Wake Zone shall be established: That portion of Biscayne Bay which lies west of the northern portion of the Sunset Harbor area of Miami Beach, and east of the northern mid-point of Belle Isle, and excluding the shoal area in the vicinity east, north, and south of Marker 5, and bounded to the north by the imaginary line which is a westward extension of the northern boundary of the Sunset Harbor Marina Yacht Club; additionally excluding areas otherwise designated herein as Idle Speed, No Wake Zones. See Area C on Appendix 1.



(d) A Slow Speed, Minimum Wake Zone shall be established in the areas designated below. In these designated areas, no person shall operate a motorboat or any other motor-based vessel, floating apparatus, or personal watercraft at a speed greater than slow speed:

- (1) Within 300 feet of the I-195 over Biscayne Bay bridge spans, also known as the Julia Tuttle Causeway
- (2) Within 300 feet of the MacArthur Causeway bridge spans
- (3) Within 300 feet of the SR-943 EB over East Biscayne Bay bridge spans located between NE 79th Street and Biscayne Bay
- (4) Within 300 feet of the Venetian Causeway bridge spans located between Rivo Alto and Belle Isle
- (5) Within 300 feet of the West 47th Street over Biscayne Waterway bridge spans
- (6) Within 300 feet of the 63rd St over Indian Creek Canal bridge spans
- (7) Within 300 feet of the West 29th Street over Sunset Lake Canal bridge spans
- (8) Within 300 feet of the Sunset Drive over Sunset Lake Canal bridge spans located 0.4 miles north of Alton Road
- (9) Within 300 feet of the Sunset Drive over Sunset Lake Canal bridge spans located 500 feet north of 20th Street

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2018.

PASSED AND ADOPTED this ____ day of _____, 2018.

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)
Underline denotes additions
~~Strikethrough~~ denotes deletions

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

11/28/18