

KITEBOARD OPERATOR PERMIT FEE

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 V, ENTITLED "BEACHES," BY AMENDING DIVISION 2, ENTITLED "RESTRICTED AREAS," BY AMENDING THE HEADING TO SECTION 82-468, ENTITLED "WATERCRAFT PROHIBITED IN RESTRICTED SWIM AREAS AND IN CERTAIN NON-RESTRICTED SWIM AREAS; PERMITTED LAUNCH, INGRESS/EGRESS, AND USE AREAS FOR KITEBOARDS; REQUIREMENTS REGARDING SAFETY EQUIPMENT AND DISTANCE," TO INCLUDE REFERENCES TO KITEBOARD OPERATOR PERMITS, DISTANCE SEPARATIONS, AND KITEBOARD LESSONS TO BE CONSISTENT WITH THE TEXT THEREIN; AND, AMENDING APPENDIX "A," ENTITLED "FEE SCHEDULE," TO INCLUDE A FEE FOR THE KITEBOARD OPERATOR PERMIT PROVIDED IN SECTION 82-468(C); PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, various provisions in Chapter 82, Article V, Division 2 of the City Code, regarding watercraft and restricted areas on the City's beaches, have been amended recently pursuant to Ordinance No. 2018-4222 in the interest of the public health, safety, and welfare to address current beach conditions and the types of watercraft presently utilized by the City's residents and visitors; and

WHEREAS, the heading for Section 468-82 should be updated to be consistent with the text therein and to reference the new permit requirement for kiteboard operators in Section 82-468(c) of the City Code. Moreover, the Appendix to Section 82-468(c) should be amended to provide a fee for the kiteboard operator.

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

SECTION 1.

Chapter 82 to the City Code, entitled "Public Property," is hereby amended as follows:

Chapter 82

PUBLIC PROPERTY

* * *

Article V. Beaches

* * *

Division 2. Restricted Areas

* * *

Sec. 82-468. Watercraft prohibited in restricted swim areas and in certain non-restricted swim areas; permitted launch, ingress/egress, and use areas for kiteboards; requirements regarding kiteboard operator permits, safety equipment, and distance separations, and kiteboard lessons.

- (a) Except as otherwise provided in this division, it shall be unlawful for any licensee or watercraft operator to launch, ingress/egress, steer, propel, operate, cause to be operated, or use any watercraft within the restricted swim areas as set forth in section 82-467.
- (b) Kiteboard operators must launch, ingress, and egress kiteboards only in the following city-designated beach areas:
 - (1) The area extending 125 feet south of the northern boundary of 25th Street.
 - (2) Non-restricted swim areas north of 29th Street, except as otherwise provided in subsection (b)(3).
 - (3) 76th Street shall only be utilized for kiteboarding lessons by city-approved concessionaires and their students.
- (c) All kiteboard operators, except for students engaged in kiteboarding lessons at 76th Street, must be currently certified by the International Kiteboarding Organization (IKO), the International Kiteboarding Association (IKA), or the Professional Air Sport Association (PASA) as a Level 3 kiteboarder. Beginning April 1, 2019, all kiteboard operators shall immediately provide a city-issued permit as proof of such certification upon request by any person authorized to enforce this division. Beginning April 1, 2019, a permittee shall be required to submit written verification to the city, with its permit application or yearly renewal, confirming that the permittee is in full compliance with the provisions set forth in

this section. Beginning April 1, 2019, all kiteboarders must display a city-issued form of identification (i.e., streamer, etc.) on their kiteboard or kite at all times.

- (d) Persons operating watercraft must utilize appropriate safety equipment as required by law and are responsible for the safe operation of their watercraft.
- (e) All watercraft operators, except operators of surfboards and skim boards, shall maintain a 300-foot distance from the mean highwater mark at all times, except as otherwise provided in section 82-469 or when authorized to use the city-designated launch and ingress/egress areas set forth in subsection (b).
- (f) All watercraft operators, except operators of surfboards and skim boards, shall maintain a distance of 50 feet away from bathers/swimmers at all times.
- (g) The providing of kiteboarding lessons by any person or entity other than as authorized by a concession agreement with the city, regardless of whether monetary or other form of compensation or consideration is received by such person or entity, is prohibited.

SECTION 2.

Appendix A to the City Code, entitled "Fee Schedule," is hereby amended as follows:

APPENDIX A – FEE SCHEDULE

FEE SCHEDULE

This appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances:

| <i>Section This Code</i> | <i>Description</i> | <i>Amount</i> |
|------------------------------|---|---------------|
| | Subpart A. General Ordinances | |
| | * * * | |
| | Chapter 82. Public Property | |
| | * * * | |
| | <i>Article V. Beaches</i> | |
| | <i>Division 2. Restricted Areas</i> | |
| <u>82-468(c)</u> | <u>Kiteboard operator annual Permit</u> | <u>135.00</u> |
| | * * * | |

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, 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 as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2019.

ATTEST:

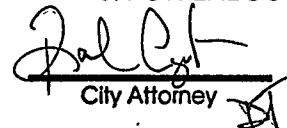
Dan Gelber
Mayor

Rafael E. Granado
City Clerk

Underscore denotes new language
Strikethrough denotes deleted language

(Sponsored by Commissioner Mark Samuelian)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 3-5-19

City Attorney Date