

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 88 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III ENTITLED "USE OF PUBLIC PROPERTY", BY AMENDING DIVISION 1, ENTITLED "GENERALLY" TO CREATE SECTION 82-72 TO CLOSE FLAGLER MEMORIAL ISLAND (ALSO KNOWN AS THE "MONUMENT ISLAND"), AND PROHIBIT PUBLIC ACCESS TO THE FLAGLER MEMORIAL ISLAND; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Flagler Memorial Island, also known as the Flagler Monument Island (the "Monument Island"), is an uninhabited artificial island located within the City of Miami Beach (the "City") and Biscayne Bay; and

WHEREAS, in 1939, title to the Monument Island was transferred to the City by a deed dated January 21, 1939 (See Exhibit A); and

WHEREAS, Monument Island, and the corresponding designated watersports zone in the vicinity of the island has attracted an extensive amount of people, creating excessive noise and nuisance, adversely impacting quality of life of residents in the surrounding area, including residents along West Avenue, Belle Isle, the Venetian Islands, Hibiscus Island, and Star Island; and

WHEREAS, alcohol consumption, drug use, and general reckless activities proliferate on both, the beaches of Monument Island and in the designated watersports area, as people drink, party, and engage in debauchery on personal boats, tourist boats, personal watercraft, and on the island itself; and

WHEREAS, because the island is uninhabited, the City does not have a regulatory or law enforcement presence on the island; and

WHEREAS, visitors engage in alcohol, drug, and sexual activity on the island with no oversight, presenting a danger to themselves and others; and

WHEREAS, as such, the City has determined that it is in the best interest in the health, welfare, and general well-being of the public to close access to the Monument Island.

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

SECTION 1. That Section 82-72 of Article III of Chapter 82 of the Code of the City of Miami Beach is hereby created as follows:

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE III. USE OF PUBLIC PROPERTY

DIVISION 1. GENERALLY

* * *

Sec. 82-72. Flagler Memorial Island.

Flagler Memorial Island, also known as the Flagler Monument Island, shall be closed for access to the public. No person shall enter or remain in any area of Flagler Memorial Island. A person's presence in and/or use of the Flagler Memorial Island shall be punishable as provided in section 1-14 of the City Code.

SECTION 2. 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 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same 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. EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 2021.

PASSED and **ADOPTED** this _____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *EA*

6-14-21
Date