

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, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE V, ENTITLED "BEACHES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY CREATING SECTION 82-444 THEREOF, ENTITLED "LOITERING PROHIBITED IN BEACH ACCESS AREAS," BY ESTABLISHING TIME LIMITS FOR PERSONS LOITERING WITHIN A SPECIFIED DISTANCE FROM BEACH ACCESS POINTS, IN ORDER TO ENSURE THAT SUCH AREAS REMAIN CLEAR AND UNOBSTRUCTED TO PROVIDE RESIDENTS AND VISITORS UNIMPEDED INGRESS AND EGRESS ACCESS TO THE BEACH, ALONG WITH REMEDIATING THE UNNECESSARY CONGESTION AT HEAVILY UTILIZED PORTIONS OF THE BEACHWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City is an international tourist destination, with a world-renowned beach, that attracts visitors from around the globe; and

WHEREAS, in addition to City residents, throngs of visitors each day significantly increase the use of the beach, as well as the congestion on the City's Beachwalk, which is a highly utilized shared-use pathway located adjacent to the City's beachfront; and

WHEREAS, spanning the length of the City from the tip of South Pointe Park to North Beach Oceanside Park, the seven-mile long Beachwalk was constructed and maintained to become an oceanfront promenade designed for use by joggers, walkers, bicyclists and anyone out for a scenic seaside stroll and/or looking to safely traverse the eastern end of the City from north to south; and

WHEREAS, the popularity of the Beachwalk, in conjunction with the intersecting pathways running east-west providing access to the beach, contribute to frequent conflicts among beachgoers, bicyclists, joggers, pedestrians and other users resulting in numerous incidents and crashes (including some with serious injuries); and

WHEREAS, individuals loitering and obstructing the beach access areas significantly interferes with the primary purpose of allowing the public to experience safe and unimpeded ingress and egress to the beach; and

WHEREAS, in addition, the City continually receives numerous complaints concerning various issues and public disturbances taking place in the beach access areas; and

WHEREAS, after discussion at the July 12, 2023 Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") meeting, the Ordinance was unanimously approved and recommended by the PSNQLC to be transmitted for consideration by the full City Commission; and

WHEREAS, the Mayor and City Commission desire to adopt the following amendment to the City Code of Laws and Ordinances in order to enhance public safety and promote the

enjoyment of the City's beautiful coastal areas by maintaining order, preventing disturbances and protecting the rights of residents and visitors by ensuring unimpeded ingress and egress to the beach, and mitigating congestion on the shared use Beachwalk.

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

SECTION 1. That Section 82-444 of the City Code shall be created as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE V. BEACHES

* * *

DIVISION 1. GENERALLY

* * *

Sec. 82-444. Loitering Prohibited at Beach Access Areas.

(a) Definitions. The following words, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Beachwalk means the shared-use pedestrian and bicycle pathway, located adjacent to the city's beachfront, which connects the southern tip of the city at Government Cut Inlet to the city's northern boundary at 87th street.

Beach access point means any designated point of ingress or egress to the beach, each of which shall be demarcated by a sign.

Loitering means the act of standing, remaining, sitting or sleeping on, in, about or around any beach access point.

(b) Prohibition. It shall be unlawful for any person to loiter within 100 feet of any beach access point for more than 10 consecutive minutes.

Signs designating beach access points and identifying the prohibited activities within 100 feet of each such beach access point shall be prominently displayed in order to ensure clear communication and compliance.

(c) Exceptions. This section shall not apply to authorized personnel, including city employees, agents, contractors, vendors and volunteers acting within the course and scope of their city employment, or volunteer, duties. Nor shall this section apply to any person experiencing a medical emergency, nor any person directed or authorized to remain in the

prohibited area by a city employee acting within the course and scope of their city employment duties.

(d) Penalty. A violation of this section shall be punished in accordance with section 1-14 of the City Code.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect on _____.

PASSED and **ADOPTED** this _____ day of _____, 2023.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

MAF
City Attorney

7-19-23
Date