

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CODE COMPLIANCE DEPARTMENT TO PRIORITIZE ENFORCEMENT OF THE CITY'S LAWS PERTAINING TO VESSELS THAT MAKE UNLAWFUL USE OF PUBLIC AND PRIVATE PROPERTY, INCLUDING COMMERCIAL VESSELS THAT UNLAWFULLY USE PUBLIC PROPERTY FOR THE EMBARKATION AND DISEMBARKATION OF PASSENGERS, AND VESSELS USED FOR ILLEGAL SHORT-TERM RENTALS WITHIN THE CITY LIMITS.**

**WHEREAS**, the protection of the health, safety, and general welfare of the City's residents and visitors is the most fundamental function of the City government; and

**WHEREAS**, the City has seen an increasingly large number of vessels and dinghies operating within its jurisdictional limits and the sizeable number of individuals boating has posed numerous challenges for the City; and

**WHEREAS**, the City's seawalls and other shoreline protection structures are designed to prevent erosion and flooding caused by tidal flood conditions and coastal water levels associated with sea level rise and weather-related events; and

**WHEREAS**, Section 66-151 of the City Code prohibits the launching, docking, or removing of any vessel from the waters of the City over any public seawall except in the case of an emergency involving safety to life or property, in addition to prohibiting the docking or mooring to the public seawalls.; and

**WHEREAS**, however, many vessels continually remain docked, moored, and/or tied up to the public seawalls for hours (or days) at a time; and

**WHEREAS**, the increase of vessels illegally docking, mooring, or tying up to the seawalls and other City property can damage or cause instability to such seawalls and other property; in addition to increasing the City's potential legal liability if people injure themselves or others during such actions; and

**WHEREAS**, the City Code also requires commercial charters operating on, or from, any real property in the City to obtain a business tax receipt ("BTR") and abide by all state and local regulations in conducting their business operations; and

**WHEREAS**, the City has received numerous complaints of commercial charter vessels (and other vessels) illegally using the public seawalls and other public property for the embarkation and/or disembarkation of passengers, and the loading or unloading of food, goods, equipment fuel and supplies; and

**WHEREAS**, Section 82-1 of the City Code prohibits any person or any commercial business operator from conducting any portion of a commercial transaction, activity or operation at any park, boat ramp, beach, structure, building or other property or place owned, maintained, or operated by the City; and

**WHEREAS**, moreover, the Code Compliance Department has reported numerous instances of liveaboard vessels being advertised as party vessels or as a short-term rental property; and

**WHEREAS**, vessels used on a transient basis, or for another form of commercial activity can create safety concerns regarding excessive numbers of guests, noise, and sanitation issues, as well as causing various adverse quality of life impacts on the surrounding residences and residential neighborhoods; and

**WHEREAS**, short-term rentals are only legally permissible in certain areas of the City and, even in such areas, a BTR is required; and

**WHEREAS**, Section 142-109 of the City Code prohibits commercial activity in residential areas and Section 102-377 of the City Code prohibits any business (for which a tax receipt is required) to operate without first obtaining a business tax receipt; and

**WHEREAS**, by prioritizing this enforcement and deploying appropriate code enforcement personnel, the City Administration can better remediate these ongoing issues and convey the message that such illegal actions will not be tolerated in the City.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the Code Compliance Department to prioritize enforcement of the City's laws pertaining to vessels that make unlawful use of public and private property, including commercial vessels that unlawfully use public property for the embarkation and disembarkation of passengers, and vessels used for illegal short-term rentals within the City limits.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Tanya Bhatt)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

MAF

2-13-24  
\_\_\_\_\_  
Date