

## COMMISSION MEMORANDUM

**TO:** Mayor Steven Meiner and Members of the City Commission

**FROM:** Rafael A. Paz, City Attorney *RAP* *Roz* *for*

**FIRST READING**

**DATE:** April 3, 2024

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," ARTICLE III, ENTITLED "PIERS, DOCKS AND BOAT RAMPS," BY AMENDING SECTION 66-107, ENTITLED "MAINTENANCE OF PUBLIC PIERS," TO BE RETITLED "USE OF THE BARRY KUTUN BOAT RAMP AND ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK," AND TO REGULATE THE USE OF THE BARRY KUTUN BOAT RAMP AND ALL ASSOCIATED PIERS/DOCKS AT MAURICE GIBB PARK; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.**

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At the request of the sponsor, Commissioner David Suarez, this proposed ordinance is presented to the Mayor and City Commission for your consideration on first reading.

The City, as owner of its facilities, including its piers and boat ramps, has the authority, in its proprietary capacity, to impose limits on their use. Miami Beach City Code Sec. 66-107 currently allows docking of any vessel at any public pier or other facility for a period of 20 minutes or less. However, the sponsor of this ordinance proposes to protect the City's interest in preserving the Barry Kutun Boat Ramp and the associated pier(s)/dock(s) at Maurice Gibb Park for launching and retrieving vessels such as noncommercial pleasure watercraft, paddleboards, and kayaks, by substituting, in Sec. 66-107, the following restrictions for the use of the boat ramp and pier:

The Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park shall be used only to launch and retrieve noncommercial vessels for a period not to exceed twenty minutes for each task, exclusively by residents of the City of Miami Beach. The floating dock(s) at Maurice Gibb Park shall be used only for launching and disembarking of noncommercial human-powered recreational vessels such as paddleboards and kayaks for a period not to exceed twenty minutes for each task, exclusively by residents of the City of Miami Beach. The use of any portion of the Barry Kutun Boat Ramp, or any portion of the associated docks, by operators of dinghies, tenders, or any other vessel to dock, stop, stand, or drop off/pick up passengers is specifically, but without limitation, prohibited. Any use of the Barry Kutun Boat Ramp or any associated piers/docks in violation of this

section shall be punishable as follows:

1. Fine of \$1000 for a first violation and immediate towing of any vessel used in the violation.
2. Fine of \$2000 for a second violation and immediate towing of any vessel used in the violation.
3. Fine of \$5000 for a third or subsequent violation and immediate towing of any vessel used in the violation.

Alternatively, violations may be enforced pursuant to Section 1-14 of the city code.

RAP/RFR/mmm