

ORDINANCE NO. _____

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.

WHEREAS, Sec. 66-107 currently allows docking of any vessel at any public pier or other facility for a period of 20 minutes or less; and

WHEREAS, the Mayor and City Commission desire to protect the City's valid public purposes for the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park; and

WHEREAS, the Mayor and City Commission, therefore, ordain that the use of the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park shall be limited as set forth herein.

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

SECTION 1. That Section 66.107, of the Code of the City of Miami Beach is/are hereby amended as follows:

CHAPTER 66

MARINE STRUCTURES, FACILITIES AND VESSELS

* * *

ARTICLE III. - PIERS, DOCKS AND BOAT RAMPS

Sec.66-107 - Maintenance of public piers Use of the Barry Kutun Boat Ramp and all associated piers/docks at Maurice Gibb Park

~~(a) Public piers and other facilities may be maintained by the city for the purpose of loading and unloading passengers, supplies and boating gear and for similar purposes. It is the policy of the city to maintain such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof. Where necessary~~

~~to achieve public use and avoid extended occupancy, congestion or blocking thereof, the city manager is authorized and directed to post signs limiting the time during which a vessel may be docked or supplies or gear may be placed at or on any such pier or facility to 20 minutes. A person shall not dock a vessel at any such facility for a period of time longer than 20 minutes, or permit any public pier or such other supplies or gear to remain for a period of time longer than 20 minutes.~~

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.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same 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 the _____ day of _____, 2024.

PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

RA Paul 3/26/24
City Attorney Date
RB