

R5 AG AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-47 THEREOF, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS; DELIVERIES," TO MODIFY AND CLARIFY REQUIREMENTS APPLICABLE TO THE USE OF FREIGHT, COMMERCIAL, AND PASSENGER LOADING ZONES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: April 22, 2026 11:25 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-47 THEREOF, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS; DELIVERIES," TO MODIFY AND CLARIFY REQUIREMENTS APPLICABLE TO THE USE OF FREIGHT, COMMERCIAL, AND PASSENGER LOADING ZONES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BACKGROUND/HISTORY

The Mayor and City Commission have identified illegal commercial and freight loading and the improper use of loading spaces as an ongoing quality of life concern in the City of Miami Beach ("City"). At the March 18, 2026 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2026-34189 directing the Administration to execute and obtain all necessary agreements and prerequisites to install traffic delineators along portions of the west side of the southbound lanes of Alton Road between Fifth and Sixth Streets in order to deter and prevent illegal stopping, parking, and loading/unloading along Alton Road.

ANALYSIS

The attached Ordinance is presented on First Reading by the sponsors, Commissioner Alex J. Fernandez, Vice-Mayor Laura Dominguez, and Commissioner Tanya K. Bhatt, for the consideration of the Mayor and City Commission.

The Ordinance amends Section 106-47 to increase the penalties for violations of the freight, commercial, and passenger loading requirements. The Ordinance increases the penalty for a first offense from a warning to \$1,000.00; increases the penalty for a second or subsequent offense from \$150.00 to \$5,000.00; eliminates the separate penalty for a third offense; and creates a penalty of \$15,000.00 for a violation found by the special magistrate to be irreparable or irreversible in nature. A violation is deemed irreparable or irreversible if the violator has caused a lane of travel to be obstructed, resulting in any diversion of or impediment to the flow of traffic, other than a momentary obstruction due to the violator entering or exiting the curb loading space.

The Ordinance also provides the special magistrate with the authority to recover administrative and enforcement costs from a violator adjudicated of guilt for a violation under the section.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex J. Fernandez
Vice-Mayor Laura Dominguez
Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

11:25 a.m. 1st Rdg, Modify Requirements for Freight Loading Zones. (AF/LD/TB) CA

Previous Action (For City Clerk Use Only)

Freight and Commercial Loading Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 106 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE II, ENTITLED "METERED PARKING," DIVISION 1, ENTITLED "GENERALLY," SECTION 106-47 THEREOF, ENTITLED "FREIGHT, COMMERCIAL, AND PASSENGER CURB LOADING ZONES; HOURS; DELIVERIES," TO MODIFY AND CLARIFY REQUIREMENTS APPLICABLE TO THE USE OF FREIGHT, COMMERCIAL, AND PASSENGER LOADING ZONES; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to promote public safety, the unimpeded traffic flow, and the efficient use of freight, commercial, and passenger curb loading zones throughout the City of Miami Beach ("City"); and

WHEREAS, illegal freight and commercial loading activities have negatively impacted traffic operations, pedestrian safety, and local businesses throughout the City; and

WHEREAS, in order to deter violations of curb loading restrictions, the Mayor and City Commission find it necessary to increase the penalties for illegal freight and commercial loading occurring within and outside of designated curb loading zones; and

WHEREAS, the Mayor and City Commission further find that allowing the Special Magistrate to recover administrative and enforcement costs from violators adjudicated of guilt under the City's curb loading ordinance will strengthen compliance and more fairly allocate the costs associated with enforcement; and

WHEREAS, the below amendments are necessary to accomplish all of the above objectives.

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

SECTION 1. That Section 106-47 of Chapter 106 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 106
TRAFFIC AND VEHICLES**

* * *

ARTICLE II. METERED PARKING

* * *

DIVISION 1. GENERALLY

* * *

Sec. 106-47. Freight, commercial, and passenger curb loading zones; hours, deliveries.

* * *

(c) *Civil fine for violators.* The following civil fines shall be imposed for a violation of this section:

- (1) ~~First offense: Warning~~ \$1,000.00 for a first offense;
- (2) ~~Second offense (within one year of the first offense): \$150.00~~ \$5,000.00 for a second or subsequent offense occurring within one year of the first offense; and
- (3) ~~Third offense (within one year of the first offense): \$300.00~~
- (4) ~~Fourth or more offenses (within one year of the first offense): \$600.00~~ \$15,000.00 for any violation if the special magistrate finds the violation to be irreparable or irreversible in nature. For purposes of this subsection, the special magistrate may consider, in determining whether an irreparable or irreversible violation has occurred, whether a violator has caused a lane of travel to be obstructed, resulting in any diversion of or impediment to the flow of traffic. An irreparable or irreversible violation shall not include a momentary obstruction due to the violator entering or exiting the curb loading space.

* * *

(e) *Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.*

- (1) A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice of violation; or
 - b. Request an administrative hearing before a special magistrate to appeal the notice of violation within ten days of the issuance of the notice of violation.
- (2) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73.
- (3) If the named violator after notice fails to pay the civil fine, or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate, and be treated as an admission of the violation, and fines and penalties may be assessed accordingly.

- (4) Any party aggrieved by a decision of a special magistrate may appeal that decision to a court of competent jurisdiction.
- (5) The special magistrate shall have the authority to recover any and all administrative or enforcement costs from a violator adjudicated of guilt for a violation under this section.

* * *

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 the _____ day of _____, 2026.

PASSED and ADOPTED this _____ day of _____, 2026.

ATTEST:


Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)
(Sponsored by Vice Mayor Laura Dominguez)
(Sponsored by Commissioner Tanya K. Bhatt)

Underline denotes additions
~~Strike through~~ denotes deletions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4/15/2026

Date