

R5 AO AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 54 OF THE MIAMI BEACH CITY CODE, ENTITLED "FLOODS," BY AMENDING ARTICLE III, ENTITLED "RESILIENCE STANDARDS FOR TIDAL FLOOD PROTECTION," TO MODIFY THE ENFORCEMENT, PENALTY, AND COMPLIANCE PROVISIONS FOR VIOLATIONS OF THIS ARTICLE, AND ADOPT OTHER CLARIFYING AMENDMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: June 24, 2026 11:20 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 54 OF THE MIAMI BEACH CITY CODE, ENTITLED "FLOODS," BY AMENDING ARTICLE III, ENTITLED "RESILIENCE STANDARDS FOR TIDAL FLOOD PROTECTION," TO MODIFY THE ENFORCEMENT, PENALTY, AND COMPLIANCE PROVISIONS FOR VIOLATIONS OF THIS ARTICLE, AND ADOPT OTHER CLARIFYING AMENDMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission approve the subject ordinance at First Reading Public Hearing for June 24, 2026.

BACKGROUND/HISTORY

On January 13, 2021, the Mayor and City Commission adopted Chapter 54, entitled "Floods," Article III, entitled "Resilience Standards for Tidal Flood Protection," commonly referred to as the "Seawall Ordinance" to codify minimum elevations for new seawalls and require seawalls that are in disrepair and are causing flooding on adjacent properties be maintained. The item was sponsored by Commissioner Mark Samuelian.

On June 25, 2025 the Seawall Ordinance was amended by the Mayor and City Commission to improve compliance and clarify the requirements of the ordinance. Key changes at the time included 1) Defining a demonstration of progress within 60-days, 2) Increasing the monetary threshold for "substantial improvements" to \$500 or more per linear foot for seawall construction or repairs. The threshold increase from \$300 to \$500 was to adjust to current market costs for seawall construction and allow minor repairs without having to meet minimum elevation requirements, 3) Allowing limited maintenance work unrelated to elevation or seawall work, such as rip-rap placement as an exemption to the ordinance, 4) Require applicants to submit an itemized cost of construction, 5) Providing the ability for the City to require temporary tidal barriers if overtopping conditions are impacting the public right-of-way. The intent of the barriers would be to limit flooding while the applicant is within the city enforcement process and/or is within the process to upgrade the seawall. In the event the property owner does not employ a temporary barrier as required, the city may take action and install the barrier and further seek payment by the property owner.

ANALYSIS

During the 2025 King Tide season, the Code Compliance Department issued 73 citations for seawall overtopping. While the citations were issued appropriately, many property owners expressed concerns. In response, the Administration provided abeyance letters to allow time to evaluate the types of violations and consider a more triaged enforcement approach. The proposed ordinance amendment extends the compliance period from two years to five years for properties

experiencing overtopping solely on their own property. However, conditions that impact the public right-of-way or neighboring properties would still require compliance within two years. Enforcement of the maintenance requirements set forth in the proposed ordinance will be enforced through the Florida Building Code when the seawall is deemed in structural disrepair.

Multiple departments work together to monitor and enforce the City's seawall ordinance. Environment and Sustainability led the development of the original ordinance in 2020. Code Compliance oversees enforcement by responding to field complaints, conducting inspections, and issuing notices for non-compliant properties. The Public Works Department ensures compliance with construction standards through the Building Plan Review process.

Consistent seawall heights are necessary to protect individual properties and the community as a whole from flood risk and are an essential part of the city's overall resilience strategy. The city is vulnerable to flooding from storm surge, king tides and predicted sea level rise. Miami Beach has 55 miles of seawalls, and an estimated 91% are private property. The ordinance continues to require that all new seawalls must be constructed to an elevation of 5.7 ft NAVD, or 4 ft NAVD if designed to support a future elevation of 5.7 NAVD. It should be noted that property owners are encouraged to consider green-grey materials or marine tiles to further biodiversity of the city's coastal marine habitat.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(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-notices/>

Does this Agenda Item support the Strategic Plan?:

Yes

If so, specify what Objective(s):

Protect and enhance our natural and built environments through leading-edge resilience infrastructure initiatives and investments in support of the longevity and sustainability of our community.

FINANCIAL INFORMATION

CONCLUSION

The proposed amendments to the seawall ordinance strengthen Miami Beach's long-term coastal resilience strategy. Extending the compliance period for properties experiencing overtopping solely on their own parcels provides a more balanced and practical path to compliance, while maintaining accelerated timelines for conditions that affect the public right-of-way or neighboring properties ensures continued protection of community assets. Together, these updates support an effective regulatory framework that advances the City's commitment to reducing flood risk.

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

Environment and Sustainability

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

11:20 a.m. 1st Rdg, Strengthen Construction Standards for Seawalls/Flood Barriers. (LD) EN

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 54 OF THE MIAMI BEACH CITY CODE, ENTITLED "FLOODS," BY AMENDING ARTICLE III, ENTITLED "RESILIENCE STANDARDS FOR TIDAL FLOOD PROTECTION," TO MODIFY THE ENFORCEMENT, PENALTY, AND COMPLIANCE PROVISIONS FOR VIOLATIONS OF THIS ARTICLE, AND ADOPT OTHER CLARIFYING AMENDMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, sea level rise, one of the most significant effects of climate change, is a result of different factors, including an increase in water volume resulting from melting land ice and the thermal expansion of sea water as it warms up; and

WHEREAS, experts project an estimated increase in sea level of approximately 10 to 17 inches by 2040; 21 to 40 inches by 2070; and 40 to 92 inches by 2120; and

WHEREAS, at the June 8, 2016 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2016-29454 to require that all new seawalls on private property, and seawalls constructed as part of public projects, have a minimum elevation of 5.7 feet NAVD88; applications for new or substantially rehabilitated seawalls not associated with new building construction or substantial improvements would be permitted at a minimum elevation of 4.0 feet NAVD88 if designed and constructed to accommodate a future minimum elevation of 5.7 feet NAVD88 (and not lower than the adjacent yard); and

WHEREAS, at the July 24, 2020 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2020-31315 to adopt the 2019 update of the Unified Sea Level Rise Projection, Southeast Florida and further direct the City of Miami Beach ("City") to utilize the updated regionally consistent sea level rise projections for planning, design and construction purposes; and

WHEREAS, shoreline protection structures, such as seawalls, strengthen coastal resilience when constructed in a manner that is substantially impermeable, at a minimum height standard that effectively addresses existing tidal flooding and future sea level rise for the expected lifetime of the seawall or structure; and

WHEREAS, properties with low-lying shoreline protection structures can be the source of tidal waters flooding onto adjacent properties or public rights-of-way; and

WHEREAS, shoreline protection structures need to be raised in a timely manner to reduce the impacts of tidal flooding on adjacent private properties and public rights-of-way; and

WHEREAS, at the January 23, 2021 City Commission meeting, the Mayor and City Commission adopted Ordinance No. 2021-4393 to establish new shoreline protection structure requirements in Chapter 54, Article III of the City Code ("Seawall Ordinance"), including a minimum elevation of 5.7 Ft NAVD and establishing overtopping as a violation of the Seawall Ordinance; and

WHEREAS, at the July 23, 2025 City Commission meeting, the Mayor and City Commission adopted Ordinance No. 2025-4754 to amend the Seawall Ordinance in order to enhance compliance measures and increase the monetary threshold for minor repairs; and

WHEREAS, the City promotes and encourages the use of living shorelines and biological forms to provide a natural alternative to “hard” shoreline protection structures, the benefits of which include nutrient pollution remediation, improving essential fish habitat structure, and buffering of shorelines from waves and storms; and

WHEREAS, the Mayor and City Commission desire to further amend the Seawall Ordinance to allow property owners who receive citations under Section 54, Article III additional time of up to five years, depending on the nature of the violation, to bring noncompliant flood mitigation infrastructure into compliance in the event that overtopping is occurring that impacts the private property upland area but otherwise does not impact neighboring properties or the public right-of-way, subject to demonstrating intermediate progress toward compliance.

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

SECTION 1. Chapter 54, entitled “Floods,” Article III, entitled “Resilience Standards for Tidal Flood Protection,” is hereby amended as follows:

**CHAPTER 54
FLOODS**

* * *

ARTICLE III. RESILIENCE STANDARDS FOR TIDAL FLOOD PROTECTION

Sec. 54-59. Purpose and intent.

The purpose of this article is to protect the public’s health, welfare and safety by establishing minimum standards to be used in the design, construction and maintenance of waterfront structures. This article establishes a minimum elevation for new seawalls and requires failing and low seawalls, bulkheads, living shorelines, or other shoreline protection structures that cause tidal surface water flooding to adjacent properties (to include the property owner’s upland property, neighboring properties, or rights-of-way) to be properly maintained, repaired or, if necessary, replaced. The physical seawall improvements ensure new seawalls, bulkheads, living shorelines, or other shoreline protection structures are designed to meet consistent standards that account for future tidal flood conditions and coastal water levels predicted with sea level rise, in accordance with current regional sea level rise projections, as updated and adopted by the city commission.

Sec. 54-60. Applicability.

Mandatory compliance with the requirements of this article shall be required for the following types of building permit applications:

- (1) All new waterfront construction and substantial improvements;
- (2) All new seawalls; and
- (3) Substantial improvements, including repair or rehabilitation, to existing shorelines and shoreline structures.

Each applicant shall submit documentation including an itemized breakdown of the costs of construction specific to the seawall work to allow city staff to determine whether improvements are substantial and to evaluate compliance with the minimum elevation requirements.

Mandatory compliance with the requirements of this article shall be required for all low seawalls, bulkheads, living shorelines, or other shoreline protection structures that do not meet the minimum standards in this article, except as otherwise provided in this article; and any other existing condition that causes tidal surface water flooding onto adjacent properties and/or public right-of-way.

This article is not applicable to oceanfront beaches or shorelines seaward of the Coastal Construction Control Line.

Sec. 54-61. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulkhead means a vertical or near-vertical, substantially impermeable structure erected along waterbody or a waterway, designed and constructed in such manner as to be substantially impermeable and safely sustain any loads, both vertical and lateral, that may come upon it, such as earth fill, water, moving traffic, storage of materials alongside, and the like. Coastal bulkheads are most often referred to as seawalls. A bulkhead is intended to act as a shoreline stabilization structure that primarily retains soil and provides minimal protection from waves.

Green-grey infrastructure or materials means a combination of engineered and natural features that provide environmental qualities and ecosystem value.

Living shoreline means a green infrastructure technique using native vegetation alone or in combination with low sills (such as low elevation seawalls or bulkheads) to stabilize the shoreline as a natural alternative to "hard" shoreline stabilization methods like riprap or bulkheads. Living shorelines may be more resilient than bulkheads in protecting against the effects of hurricanes. A living shoreline may have its waterside face consist of plants and other natural elements that improve water quality, provide additional fish habitat, and fosters increased biodiversity. The landside interface may be located anywhere on an existing property fronting the living shoreline, as long as it is constructed in a manner and location that ensures any habitable structures on that property are protected from flooding from tidal waters and it prevents flooding of adjacent properties and the public right-of-way.

NAVD88 or the North American Vertical Datum ("NAVD 88") means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Public nuisance means injurious to the safety or health of the entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any public right-of-way.

Rip-rap means a foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

Seawall means the vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control.

Seawall cap means the concrete beam (usually cast-in-place and reinforced) which connects seawall panels, piles and anchoring system (if present) together at the top of the seawall structure.

Shoreline means the tidally influenced area where land meets water.

Shoreline protection structure means any seawall, bulkhead, living shoreline, rip-rap, or another engineered or natural system on coastal real property that is intended to prevent erosion and/or protect upland property, neighboring properties, or public rights-of-way from the impacts of coastal flooding, sea level rise or other hazards consistent with the objectives of this article.

Substantial improvements (including repair or rehabilitation) means any improvement and/or repairs to an existing seawall with a cost of \$500.00 or more per linear foot.

Tidally influenced areas means a waterway with water level changes in response to the daily tide.

Sec. 54-62. Minimum elevations and materials for new or substantially rehabilitated coastal infrastructure within tidally-influenced areas.

- (a) All new seawalls ~~or~~ and existing seawalls that require substantial improvements; shall have a minimum elevation of 5.7 feet NAVD88. All existing seawalls that require non-substantial improvements that are considered less than substantial improvements shall have a minimum elevation of four feet NAVD88, but only if designed and constructed to accommodate a future minimum elevation of 5.7 feet NAVD88. Notwithstanding the foregoing sentence, limited maintenance work, such as the installation of rip-rap, shall be exempt from the minimum elevation requirement in this section, provided that an engineering report is submitted that demonstrates, to the satisfaction of the city, that the seawall is structurally sound. All existing seawalls constructed at a height that allows flooding to incur onto the upland property, an adjacent property, and/or public right-of-way shall have a minimum elevation of four feet NAVD88 if designed and constructed to accommodate a minimum elevation of 5.7 feet NAVD88.
- (b) To the extent practicable, seawalls shall be designed and constructed to adjoin immediately proximate seawalls to close gaps and prevent trespass of tidal surface water.
- (c) Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls with the incorporation of living shoreline features, the use of materials that encourage biodiversity, and the use of biological forms, where practicable.
- (d) This section shall not be construed to require the installation of a seawall where other flood protection measures and living shorelines serve as an equally effective tidal flood barrier.

Sec. 54-63. Coastal infrastructure maintenance requirements within tidally-influenced areas.

- (a) It shall be a violation of this article for property owners to:
 - (1) fail to ~~All property owners must~~ maintain in good repair any their seawalls, bulkheads, living shorelines, or other shoreline protection structures, or elements thereof, located on their property in good repair. ~~A For purposes of this subparagraph, a~~ shoreline protection structure is presumed to be in disrepair if it allows for upland erosion, transfer of material through the barrier/wall or allows tidal waters to flow unimpeded through and/or over the top of the barrier/wall to the upland property, adjacent properties, or public right-of-way. ~~Property owners with~~
 - (2) allow tidal waters to flow onto the property owner's upland property, an adjacent property, or a public right-of-way from any shoreline protection structure, if the seawalls, bulkheads, living shorelines, or other shoreline protection structures, or elements

~~thereof, below the minimum required finished elevation are below the minimum elevation set forth in subsection 54-62(a).~~

- ~~(3) allow tidal waters to flow onto the property owner's upland property, an adjacent property, or a public right-of-way from any permeable erosion barriers, such as rip-rap, or land/water interface of another nature, irrespective of the elevation of those barriers.~~

~~with permeable erosion barriers such as riprap, or land/water interface of another nature, are prohibited from allowing tidal waters to enter their property or to flow onto an adjacent property or public right-of-way. Failure to maintain flood mitigation infrastructure shall be a citable offense.~~

- ~~(b) The notice of violation shall require the property owner to initiate the seawall repair or improvement process and be able to demonstrate progress toward addressing the cited concern within the timeframes specified herein 60 days of the issuance of the notice of violation. A demonstration of progress may include, but is not limited to, obtaining written proposals from seawall contractors, securing financing, and/or applying for permits. Within six months of the issuance of the notice of violation, the property owner shall submit a permit application to the City of Miami Beach Building Department and Miami-Dade County RER (DERM) for the necessary seawall repairs or improvements. If the required repair meets the substantial improvements threshold, the property owner must design, obtain permits, and cause to be constructed seawall improvements that meet the minimum elevation and design requirements within one of the following timeframes, as applicable:~~

- ~~(1) 730 days of receipt two years from issuance of the citation notice of violation issued pursuant to section 54-65, if the notice was issued for the property owner's failure to prevent tidal waters from flowing overland onto the property owner's upland property and the overflow also impacts a public right-of-way or neighboring property;~~

- ~~(2) two years from issuance of the notice of violation issued pursuant to section 54-65, if the notice was issued for the property owner's failure to prevent tidal waters from flowing overland onto the property owner's upland property and the overflow was within twenty feet (20') of the public right-of-way; or~~

- ~~(3) five years from issuance of the notice of violation issued pursuant to section 54-65, if the notice was issued for the property owner's failure to prevent tidal waters from flowing overland onto the property owner's upland property, but the overflow does not otherwise impact a public right-of-way or neighboring property. Property owners having five (5) years from issuance of the notice of violation to demonstrate full compliance under this article shall demonstrate intermediate progress toward compliance within one (1) year and apply for all necessary federal, state, county, and/or city permits within two (2) years.~~

~~For purposes of making a finding of a property owner's intermediate progress toward compliance, the special magistrate may consider evidence of permitting and construction activity. This evidence shall include, but not limited to, completion of applications for permits and/or obtainment of a written proposal or quote from a contractor or financing for improvements to shoreline protection structures.~~

- ~~(b) Property owners with seawalls below the minimum elevation set forth in subsection 54-62(a), or property owners with permeable erosion barriers such as rip-rap, living shorelines, or a land/water interface of another nature, shall not allow tidal waters to enter their property, adjacent properties, or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland onto the upland property and/or leaving the subject property and entering an adjacent property or right-of-way may be issued a notice of violation shall require~~

~~the property owner to initiate the seawall repair or improvement process and be able to demonstrate progress toward addressing the cited concern within 60 days of the issuance of the notice of violation. A demonstration of process may include, but is not limited to, obtaining written proposals from seawall contractors, securing financing, and/or applying for permits. Within six months of the issuance of the notice of violation, the property owner shall submit a permit application to the City of Miami Beach Building Department and Miami-Dade County RER (DERM) for the necessary seawall repairs or improvements. The property owner shall complete the proposed remedy within 730 days of citation.~~

Sec. 54-64. As-built requirements and resilience standard certification.

- (a) Property owners are required to submit to the building department and public works department an as-built survey that is prepared by a professional surveyor to show elevation of seawall (NAVD88) at the commencement of construction.
- (b) property owners are required to submit to the building department and public works department certification by a professional engineer stating that shoreline protection structures have been designed and constructed in accordance with this article.

Sec. 54-65. Enforcement; warnings; civil penalties.

- (a) Failure to maintain flood mitigation infrastructure as set forth in subsection 54-63(a) or to prevent tidal waters from flowing overland onto the upland property and/or leaving the subject property and entering an adjacent property or right-of-way as set forth in subsection 54-63(b) shall be enforced by a floodplain administrator or designee, a code compliance officer, or a police officer ("enforcement officer") in accordance with the procedures and penalties set forth in subsections 54-65(b) through (j).
- (b) Warning. The first notice of violation issued by an enforcement officer shall serve as a written warning to remedy the violation prior to issuing a subsequent notice of violation unless one written warning has been issued in the 12 months preceding the date of violation. The written warning shall require the property owner to initiate the seawall repair or improvement process and be able to demonstrate progress toward addressing the cited concern within 60 days of issuance of the written warning. A demonstration of progress may include, but is not limited to, obtaining written proposals from seawall contractors, securing financing, and/or applying for permits. Within six months of the issuance of the written warning, the property owner shall submit a permit application to the City of Miami Beach Building Department and Miami-Dade County RER (DERM) for the necessary seawall repairs or improvements. The property owner shall complete the proposed remedy within the timeframes specified in subsections 54-63, as applicable ~~730 days of citation of the written warning or notice of violation~~. The written warning shall be substantially in the same form as a notice of violation as identified in subsection 54-65(c). Failure to either demonstrate progress towards addressing the cited concern within 60 days of receiving notice from the city or upon failing to complete the proposed remedy within the timeframes specified in subsections 54-63, as applicable ~~730 days of the written warning or notice of violation~~ shall result in subsequent violations set forth in this subsection. Each day such violation continues shall be considered a separate offense.
- (c) Penalties. If, subsequent to the initial written warning, an enforcement officer finds a violation, the officer shall issue a notice of violation to the violator as provided in chapter 30. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within ten days after service of the notice of violation, and that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing.

- (d) A violator who has been served with a notice of violation shall elect either to:
 - (1) Pay the civil-fine as follows for violations of subsections 54-63(a) and/or (b):
 - i. First offense\$250.00;
 - ii. Second and subsequent offenses \$500.00;
 or
 - (2) Request an administrative hearing within ten days before a special magistrate appointed as provided in article II of chapter 30 to appeal the decision of the enforcement officer which resulted in the issuance of the notice of violation.
- (e) If the named violator, after notice of violation, 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 enforcement officer. Failure of the named violator to appeal the decisions of the enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right or an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly. The special magistrate shall be prohibited from hearing the merits of the notice of violation or consideration of the timeliness of the request for an administrative hearing if the violator has failed to request an administrative hearing within ten days of the issuance of the notice of violation.
- (f) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.
- (g) Any party aggrieved by the decision of the special magistrate may appeal the decision in accordance with law.
- (h) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
- (i) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.
- (j) The procedures for appeal of the notice of violation by administrative hearing shall be as set forth in sections 30-72 and 30-73.
- (k) Immediate mitigation requirements. In addition to the other fines and penalties prescribed in this section, and in the event that tidal flooding entering the upland property, adjacent property, and/or a public right-of-way is not mitigated by a property owner in a timely manner, the city shall be authorized to install a temporary flooding barrier on the upland property, adjacent property, or public right-of-way, at the expense of the owner. If feasible under the circumstances, a property owner may satisfy the requirement in this paragraph by implementing immediate mitigation efforts that do not require permitting, such as utilizing sandbags, within three days of the written warning or notice of violation or within such other period as may be required by the city manager or the manager's designee, while the owner pursues any required seawall permitting and improvements.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption. This Ordinance shall apply to all notices of violation issued on or after August 2, 2025.

PASSED AND ADOPTED this ____ day of _____, 2026.


ATTEST:


Rafael E. Granado, City Clerk

Steven Meiner, Mayor

(Sponsored by Vice Mayor Laura Dominguez)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney  01/17/2026
Date