RESOLUTION NO._____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ATTORNEY'S OFFICE TO PREPARE A LETTER FOR REMITTANCE, BY THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, TO THE FLORIDA SENATE PRESIDENT KATHLEEN PASSIDOMO AND FLORIDA REPRESENTATIVE LAUREN MELO, TO EXPRESS GRATITUDE FOR TAKING DECISIVE ACTION IN DIRECTING THE OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY ("OPPAGA") TO CONDUCT A STUDY ON THE ISSUE OF ILLEGALLY MODIFIED EXHAUST SYSTEMS AND AIR POLLUTION, AND WILLINGNESS TO WORK WITH THE FLORIDA COURTS CLERKS AND COMPTROLLERS IN SIMPLIFYING THE CALCULATION OF PENALTY PROVISIONS IN FLA. STAT. §318.18; AND FURTHER, DIRECTING THE CITY ATTORNEY'S OFFICE TO INCLUDE IN THE LETTER A REQUEST FOR THE OPPAGA STUDY TO INCLUDE EXAMINING THE POSSIBILITY OF ENACTING NOISE CAMERA LEGISLATION TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO UTILIZE NOISE CAMERA TECHNOLOGY FOR THE ISSUANCE OF EXCESSIVE MUFFLER/EXHAUST NOISE CITATIONS.

WHEREAS, various State, County, and City laws prohibit unreasonable, excessive noise, which creates a nuisance in areas where the excessive noise takes place, particularly in residential areas, where unreasonable, excessive noise deprives residents of the peaceful enjoyment of their homes; and

WHEREAS, recently, vehicle noise disturbances throughout the City, especially in heavily travelled corridors, continue unabated, particularly noise emanating from vehicle exhausts, revving of engines, and sound systems; and

WHEREAS, the City is not the only jurisdiction struggling with vehicle noise disturbances that affect the quality of life of its residents and visitors – the administrative staff, and the Sheriff's Office of Collier County, as well as the volunteer citizen organization "Quiet Florida," which was established in Naples and dedicated to fighting noise pollution, recently met with Florida Senate President Kathleen Passidomo ("President Passidomo") and Florida Representative Lauren Melo ("Representative Melo") to discuss the issue of modified exhaust systems and noise pollution; and

WHEREAS, following the productive meeting, the Board of Collier County Commissioners unanimously remitted a letter to President Passidomo and Representative Melo, thanking them for their decisive actions to address the noise pollution issues, including directing the Office Of Program Policy Analysis And Government Accountability ("OPPAGA") to conduct a study on the issue of illegally modified exhaust systems and air pollution, and willingness to work with the Florida Courts Clerks and Comptrollers in simplifying the calculation of penalty provisions in Fla. Stat. §318.18. (see Exhibit A attached to this Resolution); and

WHEREAS, the Mayor and City Commission wish to remit a similar letter to President Passidomo and Representative Melo to express their gratitude for taking swift action on modified exhaust systems, and demonstrate that their actions are not going unnoticed in other jurisdictions plagued by vehicular noise pollution; and

WHEREAS, in addition, the Mayor and City Commission desire for the letter to include a request for the OPPAGA study to include examining the possibility of enacting noise camera

legislation that would authorize counties and municipalities to utilize noise camera technology for the issuance of excessive muffler/exhaust noise citations; and

WHEREAS, some jurisdictions, including Paris, France, London, England, and Singapore, have established programs using "noise cameras" to detect vehicles exceeding pre-defined noise limits and contributing to noise pollution; and

WHEREAS, the noise meter and camera device technology is triggered by sound, and can be utilized with filters designed to pick up on noisy vehicles and exhaust sounds that exceed pre-defined noise limits; and

WHEREAS, inspired by cities such as London and Singapore, the City of New York established a pilot program using noise cameras to record decibel levels of the vehicles and match it to a license plate using a camera; and

WHEREAS, similarly, the City of Knoxville, Tennessee, has taken steps to establish a trial program designed to record vehicle data when the traffic camera is triggered, including audio levels as vehicles pass by, with the vehicle data being uploaded to a server where a technician then decides whether to proceed with issuing a warning; and

WHEREAS, in fact, on July 8, 2022, the Mayor and City Commission adopted Resolution No. 2022-32208, directing the City Administration to establish a Noise Meter and Camera Pilot Program similar to that established in the City of Knoxville, to monitor vehicle noise pollution by issuing warnings to motorists exceeding legal noise limits, and to give out warnings to motorists violating the legal noise limits.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Attorney's Office to prepare a letter for remittance by the Mayor and City Commission of Miami Beach to the Florida Senate President Kathleen Passidomo and Florida Representative Lauren Melo to express gratitude for taking decisive action in directing the Office of Program Policy Analysis And Government Accountability ("OPPAGA") to conduct a study on the issue of illegally modified exhaust systems and air pollution, and willingness to work with the Florida Courts Clerks and Comptrollers in simplifying the calculation of penalty provisions in Fla. Stat. §318.18; and further, direct the City Attorney's Office to include in the letter a request for the OPPAGA study to include examining the possibility of enacting noise camera legislation to authorize counties and municipalities to utilize noise camera technology for the issuance of excessive muffler/exhaust noise citations.

PASSED and ADOPTED this ___ day of September, 2022.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

(Sponsored by Commissioner Steven Meiner)

For _____ 9/13/2022
City Attorney Date