

Sec. 21-28. - Noises; unnecessary and excessive prohibited.

(1) *Intent, applicability, and enforcement.*

- (a) The purpose of this section is to protect the health and quality of life of Miami-Dade County's residents and visitors through the regulation of unreasonably loud, excessive, unnecessary, or unusual noise. Any enforcement of this section shall comport with state and federal preemption, including, but not limited to, those related to agricultural uses, blasting, and aviation noise, and any applicable federal statutory or regulatory requirements or limitations.
- (b) This section shall apply to both the incorporated and unincorporated areas. In the unincorporated area, this section shall be enforced by the County, and in the incorporated areas, this section shall be enforced by the municipalities. It is provided, however, that this shall not be construed to limit the County's authority to enforce this section within a municipality that has not adopted its own regulations as provided in paragraph (c) below.
- (c) Each municipality may establish and enforce its own noise regulations, whether more or less stringent than the provisions of this section. A municipality that adopts or has previously adopted its own noise regulations shall file the applicable legislation with the Miami-Dade County Clerk of the Board, but the enforceability of such municipal regulation shall not be contingent on such filing.

(2) *Prohibition.* It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary, or unusual noise.

(3) *Penalties.* Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars (\$500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC; (v) remedies provided in section 1-5; or (vi) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(4) *Acts declared to be violations.* The following acts are declared to be unreasonably loud, excessive, unnecessary, or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive. It is further provided that all acts enumerated and prohibited herein shall be independent of each other, and the violation of any one of the following paragraphs herein shall be a separate violation of this section:

- (a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

(b)

Radios, televisions, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in or on the room, vehicle, vessel, floating structure, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure, vessel, floating structure, or vehicle in or on which it is located shall be prima facie evidence of a violation of this section.

(c) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building, structure or yard in which the dog, animal or bird is located. Without limiting the meaning of the terms used in this subsection, it is provided that:

(1) A person shall be deemed to harbor, possess or keep an animal if the person: has, by any means, confined the animal to the property where the animal is located; or has, within the preceding 14 days, intentionally provided food to the animal or another animal of the same species on the property where the animal is located; and

(2) Noise shall be deemed to be frequent, habitual or long continued if the noise continues: for a period in excess of 30 minutes; or for at least three separate periods, each in excess of 15 minutes, provided that the periods occur within the time span of three consecutive days.

(d) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal or County authorities.

(e) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom. Notwithstanding the foregoing, engine or exhaust noise from vessels may be enforced as provided in Section 7-26.1 of the Code and section 327.65, Florida Statutes.

(f) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.

(g)

Schools, courts, hospitals. The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.

- (h) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (i) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
- (j) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this County for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.
- (k) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools, and other noise-producing tools that are used for any purpose outdoors at a residence between 8:00 p.m. and 8:00 a.m. It is provided, however, that any person who violates this subparagraph by operating any such noise-producing equipment or tools outdoors at a residence between the hours of 7:00 a.m. and 8:00 a.m. shall first be given a warning to cease the prohibited activity before any fines, penalties, or other punishment may be imposed.
- (l) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.
- (m) *Construction equipment and machinery.* The operation of any noise-producing tools, equipment, or machinery used in construction, repair, alteration, or demolition work at, adjacent to or adjoining, or otherwise plainly audible at the exterior property line of a residence, including multi-family residences, between the hours of 8:00 p.m. and 7:00 a.m.
 - (i) It is provided, however, that the operation of tools, equipment, or machinery for the following shall not be considered a violation of this section:
 1. to perform emergency work to protect the public health, safety, or welfare; or
 2. to perform work that would qualify for the issuance of a building permit on an emergency basis; or
 3. for bona fide agricultural purposes as defined in section 193.461, Florida Statutes; or

4. for construction activities performed by or on behalf of a public utility as defined in section 366.02, Florida Statutes (2023).
- (ii) It is further provided that the Mayor or Mayor's designee is authorized to issue a temporary permit to allow construction activities in the unincorporated area or in incorporated areas where the County exercises zoning jurisdiction to occur earlier or later than otherwise provided in this subparagraph, in accordance with the following.
1. The Mayor or Mayor's designee issues a written determination that:
 - a. there are no reasonable alternatives; and
 - b. there are no open construction-related noise violation cases pending against the property owner or contractor or otherwise related to the construction site; and
 - c. allowing the construction activities at such times will provide a community need, public purpose, or benefit; a determination that allowing the construction to occur at such times will minimize disruptions to the public's use of roadways during peak travel times shall, without limitation, be deemed to satisfy this criterion.
 2. Conditions to minimize disruptions to surrounding property owners may be imposed on the temporary permit.
 3. The permit applicant shall demonstrate that notice of the permit application has been provided to the residents of adjacent and adjoining properties at least 72 hours prior to the commencement of work under the permit.
 4. The following shall be deemed to constitute a violation of this subsection and grounds for immediate revocation of the permit in the sole discretion of the Mayor or Mayor's designee:
 - a. A failure to comply with any condition of a temporary permit; or
 - b. A finding that the permit applicant failed to disclose or misrepresented material information in the permit application or during the permit process.
 5. The permit applicant shall pay a fee of \$130.00 or such other fee as may be established by implementing order approved by the Board of County Commissioners.

(Ord. No. 58-5, § 21.07, 2-18-58; Ord. No. 96-130, § 1, 9-10-96; Ord. No. 10-52, § 5, 9-21-10; Ord. No. 22-13, § 2, 2-1-22; Ord. No. 22-50, § 1, 5-3-22; Ord. No. 23-32, § 2, 5-2-23; Ord. No. 23-88, § 2, 10-3-23)

Cross reference— Vending in public ways near schools, § 21-27.1.