

MIAMI BEACH

Rafael A. Paz, City Attorney

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COMMISSION MEMORANDUM

TO: Mayor Steven Meiner
Members of the City Commission

FROM: Rafael A. Paz, City Attorney



DATE: December 13, 2023

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIROMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152 THEREOF, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY SPECIFYING THAT CERTAIN NOISE REGULATIONS APPLY TO NOISE EMITTED FROM A VESSEL OR FLOATING STRUCTURE AND CLARIFYING THAT ENGINE OR EXHAUST NOISE EMITTED FROM VESSELS MAY BE ENFORCED AS PROVIDED IN SECTION 7-26.1 OF THE MIAMI-DADE COUNTY CODE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), sponsored by Commissioner David Suarez, is submitted for first reading at the December 13, 2023 City Commission meeting.

In the past few years, the City has seen a surge in recreational and commercial vessel activity on Miami Beach waters, as well as recreational and commercial activities conducted on, or with, floating structures.

However, the City must ensure that vessel operators are not undermining the health and quality of life of other boaters or residents whose homes border City waters. This has become an issue since there has been an increasing number of boaters on City waters who are playing music from their vessels at unreasonably high volumes.

Section 46-152 of the City Code, along with section 21-28 of the Miami-Dade County Code, generally prohibit unreasonably loud, excessive, unnecessary, or unusual noises by setting forth a non-exhaustive list of specific acts that are declared to be unreasonably loud, excessive, unnecessary, or unusual noises and that, thus, violate the City and County Codes.

Just as Miami-Dade County adopted such an Ordinance on October 3, 2023, the proposed Ordinance would unequivocally clarify that the prohibition on unreasonably loud, excessive, unnecessary, or unusual noise applies to noises (typically, music) emitted from a vessel or floating structure. If adopted, the Ordinance would provide flexibility as enforcement could be effectuated pursuant to either the City Code or the County Code. However, notwithstanding the foregoing, engine or exhaust noise emitted from vessels should continue to be enforced as provided in section 7-26.1 of the County Code.

RAP/ MAF/bhs