

R5 S AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," ARTICLE XI, ENTITLED "USE OF GAS-POWERED LEAF BLOWERS AND CHAINSAWS," BY AMENDING TITLE AND CREATING SECTION 46-249.1 TO BE ENTITLED "REGULATION OF NOISE PRODUCED BY AIR CONDITIONING AND SWIMMING POOL EQUIPMENT," TO PROHIBIT NOISE ON RESIDENTIAL PROPERTIES THAT UNREASONABLY DISTURBS THE QUIET ENJOYMENT OF A NEIGHBORING RESIDENCE BY A NEARBY RESIDENT AND ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS; 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: City Attorney Ricardo J. Dopico

DATE: July 23, 2025 10:50 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," ARTICLE XI, ENTITLED "USE OF GAS-POWERED LEAF BLOWERS AND CHAINSAWS," BY AMENDING TITLE AND CREATING SECTION 46-249.1 TO BE ENTITLED "REGULATION OF NOISE PRODUCED BY AIR CONDITIONING AND SWIMMING POOL EQUIPMENT," TO PROHIBIT NOISE ON RESIDENTIAL PROPERTIES THAT UNREASONABLY DISTURBS THE QUIET ENJOYMENT OF A NEIGHBORING RESIDENCE BY A NEARBY RESIDENT AND ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached ordinance is presented on first reading at the request of the sponsor, Commissioner Tayna K. Bhatt.

The City of Miami Beach is committed to preserving the quality of life for residents by mitigating excessive noise disturbances, particularly in residential areas during nighttime hours.

Air conditioning units, swimming pool equipment, and similar machinery can produce continuous or intermittent noise that significantly impacts residential tranquility and public health, particularly in high-density urban environments.

Technological advancements now permit the installation of quieter equipment, thereby enabling reasonable regulation of newly installed units without imposing retroactive burdens.

Ambient noise standards vary by zoning district, and the City recognizes the need for tailored maximum sound thresholds that reflect the differing sensitivities of single-family, multi-family, commercial, and industrial zones.

The American National Standards Institute (ANSI) provides reliable and widely accepted guidelines for sound measurement instrumentation, which are utilized to ensure consistent and enforceable compliance assessments.

This ordinance introduces a phased implementation timeline—beginning with a city-led public education campaign culminating in full enforcement by the code compliance department on January 1, 2026—to ensure fair notice and informed adoption by property owners and contractors.

The establishment of a clear enforcement and appeals process, including progressive civil penalties, is essential to promote compliance and maintain equitable treatment across all affected parties.

Regulating newly installed equipment rather than existing systems balances the City's policy goals with the economic realities faced by property owners, while advancing public health, neighborhood livability, and sustainable development practices.

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 Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

10:50 a.m. 1st Rdg PH, Regulate Air Conditioning & Pool Equipment Noise. (Bhatt) CA

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 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," ARTICLE XI, ENTITLED "USE OF GAS-POWERED LEAF BLOWERS AND CHAINSAWS," BY AMENDING TITLE AND CREATING SECTION 46-249.1 TO BE ENTITLED "REGULATION OF NOISE PRODUCED BY AIR CONDITIONING AND SWIMMING POOL EQUIPMENT," TO PROHIBIT NOISE ON RESIDENTIAL PROPERTIES THAT UNREASONABLY DISTURBS THE QUIET ENJOYMENT OF A NEIGHBORING RESIDENCE BY A NEARBY RESIDENT AND ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is committed to preserving the quality of life for residents by mitigating excessive noise disturbances, particularly in residential areas during nighttime hours; and

WHEREAS, air conditioning units, swimming pool equipment, and similar machinery can produce continuous or intermittent noise that significantly impacts residential tranquility and public health, particularly in high-density urban environments; and

WHEREAS, technological advancements now permit the installation of quieter equipment, thereby enabling reasonable regulation of newly installed units without imposing retroactive burdens; and

WHEREAS, ambient noise standards vary by zoning district, and the City recognizes the need for tailored maximum sound thresholds that reflect the differing sensitivities of single-family, multi-family, commercial, and industrial zones; and

WHEREAS, the American National Standards Institute (ANSI) provides reliable and widely accepted guidelines for sound measurement instrumentation, which are utilized to ensure consistent and enforceable compliance assessments; and

WHEREAS, this ordinance introduces a phased implementation timeline—beginning with a city-led public education campaign culminating in full enforcement by the code compliance department on January 1, 2026—to ensure fair notice and informed adoption by property owners and contractors; and

WHEREAS, the establishment of a clear enforcement and appeals process, including progressive civil penalties, is essential to promote compliance and maintain equitable treatment across all affected parties; and

WHEREAS, regulating newly installed equipment rather than existing systems balances the City's policy goals with the economic realities faced by property owners, while advancing public health, neighborhood livability, and sustainable development practices.

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

SECTION 1. That Chapter 46 of the Miami Beach City Code entitled Environment, of Article XI entitled Use of Gas-Powered Leaf Blowers and Chainsaws, and Section 46-249.1 is hereby created as follows:

**CHAPTER 46
ENVIRONMENT**

* * *

**ARTICLE XI. USE OF GAS-POWERED LEAF BLOWERS, AND CHAINSAWS, AND
NEWLY INSTALLED AIR CONDITIONING AND SWIMMING POOL EQUIPMENT.**

* * *

Section 46-249.1. Regulation of Noise Produced by Newly Installed Air Conditioning and Swimming Pool Equipment.

(a) Regulation. It shall be unlawful to operate air conditioning, swimming pool, or hot tub equipment, including compressors, pumps, blowers, exhaust fans, filters and other similar noise-producing equipment, in all residential, institutional, commercial and industrial zoned property, when such equipment, either individually or cumulatively, emits noise which exceeds the following noise levels, measured at the receiving property line nearest to the source; such sound levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute:

Maximum Permitted Sound Level in Decibels dBA:

<u>Receiving Land Use</u>	<u>At Property Line or Beyond Between 10:00 p.m. and 7:00 a.m.</u>	<u>At Property Line or Beyond Between 7:00 a.m. and 10:00 p.m.</u>
<u>Single-family</u>	<u>5 dBA above ambient or maximum of 55 dBA</u>	<u>10 dBA above ambient or maximum of 60 dBA</u>

<u>Multi-family residential</u>	<u>5 dBA above ambient or maximum of 60 dBA</u>	<u>10 dBA above ambient or maximum of 65 dBA</u>
<u>Commercial and industrial</u>	<u>5 dBA above ambient or maximum of 65 dBA</u>	<u>10 dBA above ambient or maximum of 65 dBA</u>

This section shall apply to air conditioning, swimming pool, or hot tub equipment installed after January 1, 2026.

(b) Enforcement; penalties.

- (1) Beginning ten days after the enactment of this section, and extending through December 31, 2025, the city shall engage in public education efforts to inform residents and business owners of the provisions of this section and to allow them time to identify conforming equipment and sound muffling devices.
- (2) Beginning on January 1, 2026, the code compliance department shall fully enforce the provisions of this article.
- (3) If a code compliance officer finds a violation of this article, the code compliance officer shall issue a notice of violation to the property owner. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten days after service of the notice of violation, and that the failure to appeal the violation within ten days of service shall constitute an admission of the violation and a waiver of the right to a hearing.
- (4) A violator who has been served with a notice of violation must elect to either:
 - (1) Pay the following civil fine:
 - a. First violation within a 12-month period \$500.00;
 - b. Second or subsequent violation within a 12-month period \$1000.00.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

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 part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered 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 on the _____ day of _____, 2025.

PASSED AND ADOPTED this _____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions on second reading

(Sponsored by Commissioner Tanya K. Bhatt)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RR*

7/15/2025
Date