

R5 S AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY AMENDING SUBSECTION (B) TO REDUCE THE DISTANCE TO ESTABLISH PRIMA FACIE EVIDENCE OF THE SPECIFIED NOISE VIOLATION DURING SPECIFIED HOURS; 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: April 22, 2026 10:25 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY AMENDING SUBSECTION (B) TO REDUCE THE DISTANCE TO ESTABLISH PRIMA FACIE EVIDENCE OF THE SPECIFIED NOISE VIOLATION DURING SPECIFIED HOURS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

Residents and visitors enjoy playing music and other audio while spending time outdoors, whether in their vehicle or boat.

While music and other audio enliven cultural life in the City, the City must ensure that such noise does not become a nuisance undermining public health and welfare, such as by disrupting sleep, creating traffic hazards on roadways and waterways, and otherwise interfering with the peaceful enjoyment of private property and public spaces.

For example, over the past several years there has been an increasing number of boaters on City waters who are playing music from their boats at unreasonably high volumes in close proximity to residences, and operators of vehicles who are playing music from their vehicles at unreasonably high volumes in close proximity to residences.

Section 46-152 of the Miami Beach City Code (the "Code") generally prohibits "unreasonably loud, excessive, unnecessary, or unusual noise".

Section 46-152 also sets forth a non-exhaustive list of specific acts that are declared to be unreasonably loud, excessive, unnecessary, or unusual noises and that thus violate section 46-152.

Those prohibited acts include, among others, "[t]he 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”.

That prohibition further provides that “[t]he 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”.

Under a similar provision of state law, section 316.3045, Florida Statutes, it is a noncriminal infraction for a person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, stereo, or other sound-making device or instrument, which sound emanates from the motor vehicle, so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle.

Vehicles, vessels, and floating structures may pass through publicly accessible areas, and such transience and mobility create the potential for sound emanating from vehicles, vessels, or floating structures not only to adversely impact more persons and properties than sound emanating from buildings and non-floating structures, but also to cause such spatially broader impacts in unanticipated ways.

If adopted, this ordinance will reduce the Code’s 100-foot standard to 25 feet as it relates to vehicles, vessels, and floating structures.

### **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: 4/3/2026  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **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)**

Mayor Steven Meiner

**Co-sponsor(s)**

Commissioner Laura Dominguez  
Commissioner Monica Matteo-Salinas  
Commissioner Alex Fernandez  
Commissioner Tanya K. Bhatt

**Condensed Title**

10:25 a.m. 2nd Rdg, Reduce Distance, Estab Prima Facie Evidence/Noise Violation.  
(SM/LD/MMS/AF/TB) CA

**Previous Action (For City Clerk Use Only)**

First Reading Public Hearing on 3/18/2026 - R5 M

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY AMENDING SUBSECTION (B) TO REDUCE THE DISTANCE TO ESTABLISH PRIMA FACIE EVIDENCE OF THE SPECIFIED NOISE VIOLATION DURING SPECIFIED HOURS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, residents and visitors enjoy playing music and other audio while spending time outdoors, whether in their vehicle or boat; and

**WHEREAS**, while music and other audio enliven cultural life in the City, the City must ensure that such noise does not become a nuisance undermining public health and welfare, such as by disrupting sleep, creating traffic hazards on roadways and waterways, and otherwise interfering with the peaceful enjoyment of private property and public spaces; and

**WHEREAS**, for example, over the past several years there has been an increasing number of boaters on City waters who are playing music from their boats at unreasonably high volumes in close proximity to residences, and operators of vehicles who are playing music from their vehicles at unreasonably high volumes in close proximity to residences; and

**WHEREAS**, section 46-152 of the Miami Beach City Code (the "Code") generally prohibits "unreasonably loud, excessive, unnecessary, or unusual noise"; and

**WHEREAS**, section 46-152 also sets forth a non-exhaustive list of specific acts that are declared to be unreasonably loud, excessive, unnecessary, or unusual noises and that thus violate section 46-152; and

**WHEREAS**, those prohibited acts include, among others, "[t]he 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"; and

**WHEREAS**, that prohibition further provides that "[t]he 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"; and

**WHEREAS**, under a similar provision of state law, section 316.3045, Florida Statutes, it is a noncriminal infraction for a person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, stereo, or other sound-making device or instrument, which sound emanates from the motor vehicle, so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle; and

**WHEREAS**, vehicles, vessels, and floating structures may pass through publicly accessible areas, and such transience and mobility create the potential for sound emanating from vehicles, vessels, or floating structures not only to adversely impact more persons and properties than sound emanating from buildings and non-floating structures, but also to cause such spatially broader impacts in unanticipated ways; and

**WHEREAS**, to promote public health and welfare, the Mayor and City Commission wish to reduce the Code’s 100-foot standard to 25 feet as it relates to vehicles, vessels, and floating structures.

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

**SECTION 1.** That Chapter 46, “Environment,” Article IV, “Noise,” Section 46-152 of the Code of Ordinances of the City of Miami Beach is hereby amended as follows:

**CHAPTER 46  
ENVIRONMENT**

\* \* \*

**ARTICLE IV. – NOISE**

\* \* \*

**Sec. 46-152. - Noises; unnecessary and excessive prohibited.**

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. The following acts, among others, 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, namely:

\* \* \*

(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 100 feet or more from ~~the a~~ building; or structure, or 25 feet or more from a vessel, floating structure, or vehicle ~~in which it is located~~ shall be prima facie evidence of a violation of this section.

\* \* \*

**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 \_\_\_\_\_, 2026.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**

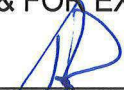
\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(sponsored by Mayor Steven Meiner)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *RR*

3/10/2026.  
\_\_\_\_\_  
Date