



**Legislation
11.1.**

City of North Miami Beach
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North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Sponsored by Commissioner Lynn Su
VIA:	Darvin Williams, City Manager
DATE:	May 19, 2026

RE: Ordinance No. 2026-04 (Second Reading) Noise Ordinance (Sponsored by Commissioner Lynn Su)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

FISCAL/ BUDGETARY

IMPACT:

ATTACHMENTS:

Description

- Ordinance
- MDC County Second Reading

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES, “OFFENSES AND MISCELLANEOUS PROVISIONS,” SECTION 9-4 “NOISE CONTROL,” TO ESTABLISH SPECIFIC NOISE REGULATIONS FOR OUTDOOR POWER TOOLS AND LANDSCAPING EQUIPMENT AT RESIDENCES, AND FOR OUTDOOR EVENTS AND TO CLARIFY ENFORCEMENT; PROVIDING FOR CONFLICTS; SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 9, Section 9-4 of the City of North Miami Beach Code of Ordinances (“Code”) sets forth standards for noise control within the City; and

WHEREAS, Section 9-4.2 of the Code prohibits loud, excessive, unnecessary or unusual noise and identifies specific types of noise that are declared to be unlawful; and

WHEREAS, Section 9-4.7 of the Code restricts noise from building, construction, manufacturing and similar activities, particularly the operation of heavy equipment, during certain hours, and Section 9-4.8 regulates vending vehicles; and

WHEREAS, the City has received complaints concerning recurring noise from lawn mowers, leaf blowers and other landscaping equipment operated outdoors at residences during nighttime and early-morning hours; and

WHEREAS, City staff, including Code Compliance and the Police Department, have determined that while such activities may in some circumstances be addressed under the general prohibition in Section 9-4.2, the Code does not expressly identify residential landscaping equipment or establish specific quiet hours for that type of noise; and

WHEREAS, the lack of express standards for outdoor landscaping equipment at residences makes enforcement less predictable for residents, property owners, and enforcement personnel; and

WHEREAS, Miami-Dade County’s noise regulations in Section 21-28 of the Miami-Dade County Code identify “power tools and landscaping equipment” used outside a residence as a specific source of noise and restrict the hours of operation; and

WHEREAS, Miami-Dade County has amended Section 21-28(4)(b) of the Miami-Dade County Code to modify the nighttime distance standard for amplified sound devices from one hundred (100) feet to twenty-five (25) feet; and

WHEREAS, the Mayor and City Commission find it appropriate to maintain consistency with Miami-Dade County’s nighttime amplified sound standard in order to promote uniform enforcement and reduce jurisdictional inconsistencies;

WHEREAS, the Mayor and City Commission find that creating a similar, clear standard for outdoor power tools and landscaping equipment at residences within North Miami Beach will improve quality of life, provide clearer expectations for residents and contractors, and assist enforcement personnel in applying the City’s noise regulations in a fair and consistent manner; and

WHEREAS, the Mayor and City Commission further find it appropriate to clarify enforcement authority, including coordination with the Police Department for violations occurring outside normal Code Compliance operating hours, and to authorize administrative civil fines to promote uniform and effective enforcement; and

WHEREAS, the Mayor and City Commission further find it appropriate to clarify the application of the existing penalty provisions in Section 9-4.6 to violations involving outdoor power tools and landscaping equipment at residences; and

WHEREAS, the Mayor and City Commission find that the amendments set forth in this Ordinance are in the best interests of the public health, safety, and welfare;

WHEREAS, the City regularly permits and hosts outdoor events that include amplified sound, including community events, cultural events, and special activities held on public and private property; and

WHEREAS, the Mayor and City Commission recognize that outdoor events permitted or approved by the City may include amplified sound that is appropriate for the event setting but must be managed in a manner that minimizes impacts on nearby residential areas; and

WHEREAS, noise associated with outdoor events remains subject to the City’s existing noise standards and enforcement authority under Chapter IX, Section 9-4 of the City Code, including Sections 9-4.2 and 9-4.6, as well as applicable permit conditions imposed by the City; and

WHEREAS, the purpose of this Ordinance is to clarify how existing noise standards apply to outdoor power tools and landscaping equipment at residences, and to confirm that permitted outdoor events remain subject to the City’s existing noise and enforcement framework.

WHEREAS, the Mayor and City Commission find that the amendments set forth in this Ordinance are in the best interests of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

SECTION 1.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference as the legislative intent of this Ordinance.

SECTION 2.

Amendment to Section 9-4.2, “Unnecessary and Excessive Noises Prohibited.” Chapter IX, “Offenses and Miscellaneous Provisions,” Section 9-4, “Noise Control,” Section 9- 4.2, “Unnecessary and Excessive Noises Prohibited,” of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby amended to add new subsections g and h. to read as follows. Existing subsections a. through f. shall remain in full force and effect and are not amended except as expressly set forth below.

The operation of any such radio, television, musical instrument, phonograph, or other 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 twenty-five (25) feet or more from the building, structure, vehicle, vessel, or location in which it is operated shall constitute prima facie evidence of a violation.

9-4.2 Unnecessary and Excessive Noises Prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

a. – f. [NO CHANGE]

g. Outdoor power tools and landscaping equipment at residences. The operation of any noise-producing lawn mower, lawn edger, weed trimmer, blower, chipper, chain saw, power tool, or other similar noise-producing equipment outdoors at a residence between the hours of 8:00 p.m. and 7:00 a.m., when such operation is plainly audible within any other residential dwelling unit or at a distance of one hundred (100) feet from the property on which the equipment is operated.

For purposes of this subsection:

1. “Residence” means any property used or zoned for residential purposes, including single-family, duplex, townhouse, and multi-family dwellings.
2. “Outdoors” means any location outside of a fully enclosed building. A garage shall be considered “outdoors” if any vehicle door is open while the equipment is in use.
3. This subsection shall not apply to emergency work that is necessary to address an immediate threat to life, health, safety, or property, provided that such work is limited to the time needed to remove the emergency condition.
4. This subsection shall not apply to municipal operations conducted by or on behalf of the City of North Miami Beach, including but not limited to parks and athletic field maintenance, recreation facility groundskeeping, special events, or contractors performing work for the City in support of official municipal functions.
5. Enforcement by Police and Code Compliance. Violations of this subsection may be enforced by the Code Compliance Division and the Police Department. The Police Department is authorized to investigate and document violations occurring during restricted hours, including hours outside normal Code Compliance operating times. Code Compliance Officers may rely upon police reports, sworn statements, photographs, audio or video recordings, or other competent evidence gathered by law enforcement officers to issue warning notices and civil violation citations under this subsection.

h. Outdoor Events. Outdoor events not conducted by or on behalf of the City of North Miami Beach shall remain subject to the City’s existing noise standards and enforcement authority, which may be enforced, as appropriate, by Code Compliance Officers or by the Police Department.

SECTION 3.

Amendment to Section 9-4.6, “Violations; Penalties.” Chapter IX, “Offenses and Miscellaneous Provisions,” Section 9-4, “Noise Control,” Section 9-4.6, “Violations; Penalties,” of the Code of Ordinances of the City of North Miami Beach, Florida, is hereby amended to clarify its application to the new subsections 9-4.2 g and h., as follows (additions shown as new text; sections not referenced remain unchanged):

9-4.6 Violations; Penalties.

- a. A first violation of subsections 9-4.2(b), (c), (f), (g), or (h), subsection 9-4.3, or subsection 9-4.5 shall result in the issuance of a warning citation,
- b. ~~A second or~~ Subsequent violations of subsections 9-4.2(a), (d), (e), (b), (c), (f), (g) or (h), subsection 9-4.3, subsection 9-4.4, or subsection 9-4.5 shall be subject to a civil fine using a tier system listed below:
 - a) \$150.00 second offense
 - b) \$300.00 third offense
 - c) \$500.00 any offense there after
- c. Each occurrence of a violation may be treated as a separate violation for enforcement purposes, regardless of whether the violations occur on the same day.
- d. Contractors and service personnel have a sixty(60) day grace period.
- e. Each fine will be associated with the property or asset originally cited.
- f. Preset Civil Fine — Outdoor Power Tool and Landscaping Equipment Violations. Notwithstanding any other provision of this section, each violation of Section 9-4.2(g) or (h) shall be subject to a civil fine of five hundred dollars (\$500.00) per occurrence. Each separate incident and each separate date shall constitute a distinct violation. Such violations may be issued as administrative civil citations by Code Compliance Officers or Police Officers and shall be scheduled for hearing before the Special Magistrate.

SECTION 4.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 6.

It is the intention of the City Commission of the City of North Miami Beach, Florida, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 7.

This Ordinance shall become effective immediately upon adoption.

APPROVED on the first reading by the City of North Miami Beach City Commission at the regular meeting assembled this **26th day of March, 2026**.

APPROVED AND ADOPTED on second reading by the City of North Miami Beach City Commission at the regular meeting assembled this **21st day of April, 2026**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

SPONSORED BY: Commissioner Lynn Su

MEMORANDUM

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: Agenda Item No. 7(B)
(Second Reading: 5-5-26)
February 18, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to noise
regulation; amending section
21-28 of the Code; modifying
the circumstances that establish
a prima facie violation of the
noise regulations governing
radios, televisions, and similar
devices

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsors Commissioner Micky Steinberg and Co-Sponsor Commissioner Vicki L. Lopez.



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001

Date: May 5, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact and Social Equity Statements for Ordinance Relating to Noise Regulation

The proposed ordinance modifies the application of the County's noise ordinance by maintaining the existing 100-foot standard for sound emanating from buildings and structures, while reducing the standard to 25 feet for sound originating from vehicles, vessels, and floating structures, consistent with state law.

Fiscal Impact Statement

It is not anticipated that this ordinance will have a fiscal impact to the County. Enforcement of the ordinance will continue to be carried out by existing entities, including law enforcement and marine patrol units, using current personnel and operational resources. The amendment primarily clarifies enforcement standards and aligns certain provisions with state law, and therefore does not require additional staffing, equipment, or administrative infrastructure.

To the extent that the revised standard may facilitate enforcement of noise violations associated with vehicles and vessels, the County could experience a minor increase in citation activity and associated revenues; however, such revenue cannot be estimated at this time. Any administrative costs related to enforcement and citation processing are expected to be absorbed within existing budgets.

Social Equity Statement

The proposed ordinance could provide a social equity benefit to the residents of Miami-Dade County. The ordinance applies uniformly to all individuals operating vehicles, vessels, or floating structures within the County, and is not expected to disproportionately impact any particular population group. Overall, the measure supports equitable access to quiet enjoyment of residential areas and public spaces while maintaining reasonable allowances for recreational activities.

A handwritten signature in blue ink, appearing to read "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 5, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
5-5-26

ORDINANCE NO. _____

ORDINANCE RELATING TO NOISE REGULATION;
AMENDING SECTION 21-28 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; MODIFYING THE CIRCUMSTANCES
THAT ESTABLISH A PRIMA FACIE VIOLATION OF THE
NOISE REGULATIONS GOVERNING RADIOS,
TELEVISIONS, AND SIMILAR DEVICES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

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

WHEREAS, while music and other audio enliven cultural life in the County, the County 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 County waters who are playing music from their boats at unreasonably high volumes in close proximity to residences; and

WHEREAS, section 21-28 of the Code of Miami-Dade County, Florida (the “Code”) generally prohibits “unreasonably loud, excessive, unnecessary, or unusual noise”; and

WHEREAS, section 21-28 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 21-28; 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, this Board wishes to reduce the Code's 100-foot standard to 25 feet as it relates to vehicles, vessels, and floating structures; and

WHEREAS, this Board also wishes to make certain clarifying changes,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 21-28 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

* * *

- (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.

* * *

- (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:

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (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)]]~~ >>100<< feet >>or more<< from the building[[,]] >>or<< structure >>in or on which it is located<<, >>or 25 feet or more from the<< vessel, floating structure, or vehicle in or on which it is located shall be prima facie evidence of a violation of this section.

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. 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. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature "DeFor" and initials "CJW" in black ink.

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Micky Steinberg
Co-Sponsor: Commissioner Vicki L. Lopez