VILLAGE OF KEY BISCAYNE

Village Council
Brett G. Moss, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Luis F. de la Cruz
Nancy Stoner
Silvia P. Tarafa

Village Manager
Steven C. Williamson

STAFF MEMORANDUM

DATE: November 17, 2026

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Director – Building, Zoning, & Planning Department

RE: Noise Ordinance Amendment - Juneteenth Holiday (1st Reading)

RECOMMENDATION

Recommend Village Council approve an amendment to the noise ordinance to add Juneteenth to the list of recognized holidays, making the ordinance's existing holiday restrictions on noise-producing activities applicable on June 19.

DISCUSSION

Purpose: To update regulations to include Juneteenth as a recognized holiday in the noise ordinance.

Background: The Key Biscayne noise ordinance definition for "Holiday" includes a list of all Federally recognized holidays except Juneteenth, which was added as a federal holiday on June 17th of 2021. Adding Juneteenth to the list of holidays will make the date subject to the same rules and noise limitations which apply to other holidays.

The following activities are considered a Noise Disturbance and are a violation during Holidays per current regulations:

- Sound amplifying equipment and musical instruments (except 8am-12am).
- Loading and Unloading (except 8am-6:30 pm)
- Power tools and landscaping equipment (except 10am-6:30pm for non-commercial use).
- Set up and break down of events (except 8am-12am)
- Idling of engines (except 8am-7pm).

Exceptions are made for public addresses or gatherings which are non-commercial in nature.

RESOURCE IMPACT

Recurring Funding: Typical funding required for code compliance and police activity related to enforcement of noise regulations.

- **Personnel**: Existing code compliance, inspectors, and police staff.

- **Equipment**: Existing equipment.
- **Facilities:** Existing facilities
- **Training:** Minimal

STRATEGIC CONNECTION (GOAL / FOCUS AREA)

Supports the Village's goal of creating a vibrant community and local marketplace. The proposed regulations will make holiday noise enforcement consistent.

- Goal: Thriving & Vibrant Community and Local Marketplace
- Focus Area: Preserve and Shape Village Character
- Action: Refine and enforce residential and commercial zoning regulations

Prepared by: Jeremy Calleros Gauger | Building, Zoning, and Planning Director

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 17-1 OF THE VILLAGE CODE OF ORDINANCES RELATING TO NOISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") periodically studies and reviews issues relating to its regulations and procedures; and

WHEREAS, the Village Council desires to amend Chapter 17, "Noise", Section 17-2, "Prohibited Noise Disturbances" in order to update its noise regulations; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Section 17-2, "Prohibited Noise Disturbances". That Chapter 17, Section 17-2, "Prohibited noise disturbances," of the Code of Ordinances of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 17 – NOISE

* * *

Section 17-1. – Definitions.

* * *

Holidays means New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Columbus Day, Washington's Birthday (the third Monday in February), Martin Luther King, Jr. Birthday (the third Monday in January), Thanksgiving Day, and Christmas Day.

* * *

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

Section 4. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the ___ day of _____ 2026.

PASSED AND ADOPTED on second reading on the ___ day of _____ 2026.

_____
BRETT MOSS
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY