

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 2024 First Reading

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," BY CREATING ARTICLE XII, ENTITLED "LIGHT POLLUTION," AND CREATING SECTION 46-250 ENTITLED "GARISH FLASHING, STROBING, AND/OR MULTICOLORED LIGHTS PROHIBITED" TO PROHIBIT GARISH FLASHING, STROBING AND/OR MULTICOLORED LIGHTS 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.

### **ANALYSIS**

The proposed Ordinance (the "Ordinance"), which is sponsored by Commissioner Kristen Rosen Gonzalez, is submitted to the City Commission for first reading on May 15, 2024. The proposed Ordinance would potentially preserve and enhance the environment of the City of Miami Beach in residential neighborhoods and the improve the quality of life of residents.

On January 31, 2024, the Mayor and City Commission referred a discussion regarding potential solutions to light pollution from multi-colored decorative lighting emanating from adjacent properties to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") for the Committee's deliberation.

A discussion was held at the March 20, 2024 PSNQLC meeting, where the Committee voted to return the item to the full City Commission with a positive recommendation to enact an ordinance to prohibit garish flashing, strobing and/or multicolored lights on residential properties that would unreasonably disturb the quiet enjoyment of a neighboring residence by a nearby resident.

The proposed Ordinance codifies the recommended prohibitions, but exempts periods immediately before and after national and major religious holidays.

The proposed Ordinance would be enforced by a Notice of Violation and fines ranging from \$250 for a first offense, \$500 for a second offense, and \$1,000 for a third or subsequent offense.

### **FISCAL IMPACT STATEMENT**

N/A

### **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 Kristen Rosen Gonzalez

**Co-sponsor(s)**