

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: January 31, 2024

### First Reading

SUBJECT: 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," TO CORRECT A SCRIVENER'S ERROR AND TO PROVIDE AN EXEMPTION ALLOWING GOLF COURSES TO CONDUCT MAINTENANCE STARTING AT 6:00 A.M.; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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### BACKGROUND/HISTORY

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? \_\_\_ Yes X No

If so, specify name of lobbyist(s) and principal(s): N/A

### ANALYSIS

See attached Commission Memorandum.

### SUPPORTING SURVEY DATA

N/A

### FINANCIAL INFORMATION

N/A

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

### Legislative Tracking

Office of the City Attorney

### Sponsor

Vice-Mayor Kristen Rosen Gonzalez and Co-sponsored by Commissioners David Suarez and Joseph Magazine

### ATTACHMENTS:

#### Description

- ▢ [Commission Memorandum](#)
- ▢ [Ordinance](#)

# MIAMI BEACH

Rafael A. Paz, City Attorney

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

**TO:** Mayor Steven Meiner and Members of the City Commission  
Alina T. Hudak, City Manager

**FROM:** Rafael A. Paz, City Attorney

**FIRST READING**

**DATE:** January 31, 2024

**SUBJECT: 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," TO CORRECT A SCRIVENER'S ERROR AND TO PROVIDE AN EXEMPTION ALLOWING GOLF COURSES TO CONDUCT MAINTENANCE STARTING AT 6:00 A.M.; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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The proposed Ordinance was prepared at the request of Vice-Mayor Kristen Rosen Gonzalez for consideration at the January 31, 2024 City Commission meeting.

Currently, Section 46-152 of the City Code prohibits the operation of power tools and landscaping equipment used to maintain or at a residence out-of-doors between the hours of 8:00 p.m. and 8:00 a.m. on weekdays, and 8:00 p.m. and 10:00 a.m. on weekends and national holidays.

Golf courses are unique recreational and sporting facilities that require meticulous maintenance to ensure the optimal playing conditions for golf enthusiasts. Allowing golf courses an exemption from the specified time restrictions acknowledges the specialized nature of their maintenance needs and ensures that they can conduct necessary tasks, such as mowing, edging, and other equipment operation, starting at 6:00 a.m.

The exemption proposed in this Ordinance aims to strike a balance between community noise considerations and the essential upkeep of golf courses, facilitating their role in providing a well-maintained and enjoyable environment for both players and the community.

If this ordinance is adopted, Commissioner Rosen Gonzalez has requested that the Administration report back to the City Commission within six (6) months with information as to any complaints or other issues arising out of this limited exception for the golf courses, to allow the City Commission to determine whether the proposed accommodation should continue.

RAP/FA/ag

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," TO CORRECT A SCRIVENER'S ERROR AND TO PROVIDE AN EXEMPTION ALLOWING GOLF COURSES TO CONDUCT MAINTENANCE STARTING AT 6:00 A.M.; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, currently, Section 46-152 of the City Code prohibits the operation of power tools and landscaping equipment used to maintain or at a residence out-of-doors between the hours of 8:00 p.m. and 8:00 a.m. on weekdays, and 8:00 p.m. and 10:00 a.m. on weekends and national holidays; and

**WHEREAS**, golf courses are unique recreational and sporting facilities that require meticulous maintenance to ensure the optimal playing conditions for golf enthusiasts; and

**WHEREAS**, allowing golf courses an exemption from the specified time restrictions acknowledges the specialized nature of their maintenance needs and ensures that they can conduct necessary tasks, such as mowing, edging, and other equipment operation, starting at 6:00 a.m.; and

**WHEREAS**, the exemption proposed in this Ordinance aims to strike a balance between community noise considerations and the essential upkeep of golf courses, facilitating their role in providing a well-maintained and enjoyable environment for both players and the community.

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

**SECTION 1.** That Section 46-152 of Article IV of Chapter 46 of the Code of the City of Miami Beach, Florida, 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:

\* \* \*

- (k) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing equipment and tools ~~which are used to maintain or at a residence~~ out-of-doors between the hours of 8:00 p.m. and 8:00 a.m. on weekdays, and 8:00 p.m. and 10:00 a.m. on weekends and national holidays. The restrictions on the operation of noise-producing equipment and tools at golf courses shall apply between the hours of 8:00 p.m. and 6:00 a.m. on weekdays, weekends, and national holidays. The limitations on operation of noise-producing power tools and landscaping equipment on weekends and national holidays do not apply to single-family homes located in the RS-1, RS-2, RS-3 RS-4, RM-1, RM-2, RM-PRD, RM-PRD-2, RO, RO-2, RO-3, and TH zoning districts.

\* \* \*

## **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 Code of the City of 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 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

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

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

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION