

R5 AI 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, FLORIDA, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152 THEREOF, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," TO PROVIDE AN EXEMPTION ALLOWING COMMERCIAL ENTITIES TO UTILIZE CERTAIN OUTDOOR MAINTENANCE EQUIPMENT AT SPECIFIED TIMES IN ORDER TO ENHANCE SANITATION AND CLEANLINESS IN THE CITY; AND 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: May 21, 2025 2:45 p.m. First Reading Public Hearing

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, FLORIDA, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152 THEREOF, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," TO PROVIDE AN EXEMPTION ALLOWING COMMERCIAL ENTITIES TO UTILIZE CERTAIN OUTDOOR MAINTENANCE EQUIPMENT AT SPECIFIED TIMES IN ORDER TO ENHANCE SANITATION AND CLEANLINESS IN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner Alex J. Fernandez, has been submitted for consideration by the Mayor and City Commission.

The City of Miami Beach ("City") is committed to maintaining the highest standards of public health, safety, cleanliness, and aesthetic appeal for the benefit of its residents, visitors, and commercial stakeholders. In that regard, commercial properties play a significant role in shaping the appearance and cleanliness of the City, particularly in high-traffic tourist and business areas.

Pursuant to the City's noise ordinance, as set forth in Section 46-152 of the City Code, the currently permissible weekday hours for the operation of power tools and other noise-producing equipment outdoors are between 8:00 a.m. and 8:00 p.m., which may be insufficient for commercial entities to complete cleaning and sanitation efforts. However, by providing a few additional hours, on a limited basis, commercial entities will be able to conduct more complete sanitation practices and efforts, and improve property maintenance without significantly disturbing residential life.

Accordingly, if adopted, the proposed Ordinance would extend the permissible hours of use for power washers and pressure washers until 11:59 p.m. on the first Friday of each month. While relatively minor, this modification will aid commercial entities in supporting the City's efforts to maintain a clean and vibrant environment while minimizing any potential adverse impacts to residents.

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:
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?** Yes

If so, specify the name of lobbyist(s) and principal(s): Tara Chilton, Government Relations
Manager, Publix Super Markets, Inc.

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

2:45 p.m. 1st Rdg PH, Additional Hours for Pressure Washing. (Fernandez) CA

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

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, FLORIDA, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152 THEREOF, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," TO PROVIDE AN EXEMPTION ALLOWING COMMERCIAL ENTITIES TO UTILIZE CERTAIN OUTDOOR MAINTENANCE EQUIPMENT AT SPECIFIED TIMES IN ORDER TO ENHANCE SANITATION AND CLEANLINESS IN THE CITY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") is committed to maintaining the highest standards of public health, safety, cleanliness, and aesthetic appeal for the benefit of its residents, visitors, and commercial stakeholders; and

WHEREAS, commercial properties play a significant role in shaping the appearance and sanitation of the City, particularly in high-traffic tourist and business areas; and

WHEREAS, pursuant to the City's noise ordinance, as set forth in Section 46-152 of the City Code, the currently permissible weekday hours for the operation of power tools and other noise-producing equipment outdoors are between 8:00 a.m. and 8:00 p.m., which may be insufficient for commercial entities to complete cleaning and sanitation efforts; and

WHEREAS, providing additional hours on a limited basis will enable commercial entities to conduct more complete sanitation practices and efforts, and improve property maintenance without significantly disturbing residential life; and

WHEREAS, extending the allowable hours for the use of power washers and pressure washers until 11:59 p.m. on the first Friday of each month will support the City's efforts to maintain a clean and vibrant environment while minimizing any potential adverse impacts; and

WHEREAS, the Mayor and City Commission find that this Ordinance serves a legitimate public purpose and is in the best interest of the health, safety, and welfare of the City's residents, visitors, and businesses.

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

SECTION 1. Section 46-152 of Chapter 46 of the City Code is hereby amended as follows:

Chapter 46

ENVIROMENT

* * *

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:

- (a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
- (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 from the building, structure, vessel, floating structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (c) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or yard in which the dog, animal or bird is located.
- (d) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal authority.

- (e) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustible engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom. Notwithstanding the foregoing, engine or exhaust noise from vessels may be enforced as provided in section 7-26.1 of the Miami-Dade County Code and F.S. § 327.65.
- (f) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.
- (g) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
- (h) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- (i) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
- (j) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this city for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.
- (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 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 5:30 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.

Notwithstanding the foregoing, commercial entities shall be permitted to operate power washers and pressure washers out-of-doors until 11:59 p.m. on the first Friday of each calendar month.

(l) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith 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 _____, 2025.

PASSED AND ADOPTED this ___ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

5/13/2025

Date

MAF



Publix Super Markets, Inc.
PO Box 32024
Lakeland FL. 33802
863-688-7407
www.publix.com

May 20, 2025

City of Miami Beach Mayor & Commissioners
Miami Beach City Hall
1700 Convention Ctr Dr
Miami Beach, FL 33139

Dear Mayor and City Commissioners,

On behalf of Publix Super Markets, we are writing to express our support for Commissioner Fernandez's proposed amendment to chapter 46, article IV, section 46-152 of the city's code. This thoughtful revision would allow businesses like ours the ability to perform necessary sanitation services one day each month during extended hours.

This amendment strikes a balance between operational needs, public safety, and community standards. Under the current ordinance, our ability to perform essential sanitation services like pressure washing has been limited due to time restrictions. These limitations have made it difficult to clean our store exteriors during hours that do not pose safety concerns by having equipment and wet surfaces interfere with customer traffic. The proposed amendment provides a practical solution by permitting extended hours on the first Friday of each month, allowing us to complete thorough exterior cleaning after normal business hours.

Publix appreciates Commissioner Fernandez's leadership on this issue and the City's ongoing commitment to supporting businesses that strive to maintain high standards of safety and cleanliness. As a company we respectfully urge your support in approving this amendment.

Sincerely,

Savannah Sipsy
Government Relations Manager
Publix Super Markets, Inc.