

MEMORANDUM

Agenda Item No. 4(C)

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

DATE: 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 Sponsor Commissioner Micky Steinberg.



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001



MEMORANDUM
(Revised)

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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
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) 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. 4(C)
2-18-26

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, to promote public health and welfare, this Board wishes to modify that prohibition so that the applicable distance to establish such a prima facie violation is 25 feet instead of 100 feet, and 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.

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.

* * *

- (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:

* * *

- (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)]]~~ >>25<< feet >>or more<< 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.

* * *

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 "Jefor" and initials "CJW" in black ink.

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Micky Steinberg