

MEMORANDUM

Agenda Item No. 7(G)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 5-3-22)
March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to noise
regulation; amending section
21-28 of the Code; revising
prohibited hours of operation
for noise-producing landscaping
equipment and other noise-
producing tools outside of a
residence; making technical
changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to Hours of Operation for Noise-Producing Landscaping Equipment

The proposed ordinance provides for fines associated with unnecessary and excessive noise between certain hours in the unincorporated areas. It is not anticipated that the implementation of this ordinance will have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Alfredo Ramirez III". The signature is written in a cursive, flowing style.

Alfredo Ramirez III
Chief Public Safety Officer

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Danielle Levine Cava *Danielle Levine Cava*
Mayor

Subject: Social Equity Statement for Ordinance Amending the Operational Hours to Use
Landscape Equipment #220306

Section 21-28 of the Code of Miami-Dade County, Florida currently prohibits the operation of noise-producing landscaping equipment and other noise-producing tools outside of a residence between the hours of 8:00 p.m. and 7:00 a.m. The proposed amendment to Section 21-28 of the County Code seeks to extend this provision to include the morning period from 7:00 a.m. to 8:00 a.m.

Noise produced by landscaping equipment and other noise-producing tools during early morning hours can be disruptive in residential areas. At the same time, the early morning hours are particularly ideal for avoiding excessive heat and humidity for outdoor workers. According to the National Weather Service, excessive heat is the leading weather-related killer in the United States. A combination of high heat and humidity can lead to heat-related illness, including heat cramps, heat exhaustion and heat stroke. Outdoor workers are up to 35 times more likely to have a heat related illness or injury than the average person. No other social benefits or burdens can be identified at this time.

A handwritten signature in black ink, appearing to read "AR III". The signature is stylized and cursive.

Alfredo Ramirez III
Interim Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: 
Gen. Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(G)

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 ____, 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) ____, or 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. 7(G)

5-3-22

ORDINANCE NO. _____

ORDINANCE RELATING TO NOISE REGULATION;
AMENDING SECTION 21-28 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; REVISING PROHIBITED HOURS OF
OPERATION FOR NOISE-PRODUCING LANDSCAPING
EQUIPMENT AND OTHER NOISE-PRODUCING TOOLS
OUTSIDE OF A RESIDENCE; MAKING TECHNICAL
CHANGES; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

WHEREAS, unreasonably loud, excessive, unnecessary, or unusual noises can negatively impact human health and welfare and diminish the premium quality of life that residents of Miami-Dade County enjoy; and

WHEREAS, the County therefore has existing regulations on such noises codified in section 21-28 of the Code of Miami-Dade County, Florida; and

WHEREAS, section 21-28 currently prohibits, among other things, the operation of noise-producing landscaping equipment and other noise-producing tools outside of a residence between the hours of 8:00 p.m. and 7:00 a.m.; and

WHEREAS, extending this prohibition to include the early morning period from 7:00 a.m. to 8:00 a.m., during which time the noise produced by landscaping equipment and other noise-producing tools can be equally disruptive in residential areas, would further protect and enhance the health and quality of life of County residents; and

WHEREAS, this Board therefore wishes to amend section 21-28 to prohibit the operation of noise-producing landscaping equipment and other noise-producing tools outside of a residence between 8:00 p.m. and 8:00 a.m.,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. 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.

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. Any person violating any of the provisions of this section shall be punished by (i) a fine not to exceed five hundred dollars (\$500.00); (ii) imprisonment in the county jail for a period not to exceed sixty (60) days; (iii) both such fine and imprisonment in the discretion of the court having jurisdiction over the cause; (iv) fines in accordance with Chapter 8CC of the Code of Miami-Dade County; or (v) completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners. 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 tools >>that<< [[which]] are used >>for any purpose outdoors<< [[to maintain or]] at a residence [[out of doors]] between 8:00 p.m. and >>8:00<< [[7:00]] a.m.

* * *

Section 2. 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.

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.

Section 3. 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 4. 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:

Prepared by:

Keoki M. Baron
James Eddie Kirtley

Prime Sponsor: Senator Javier D. Souto

