



**AGENDA ITEM COVER PAGE**

**File ID: #16979**

**Ordinance**

**Sponsored by: Damian Pardo, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 36/SECTION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "NOISE/OPERATION OF RADIOS, PHONOGRAPHS, OR OTHER SOUND-MAKING DEVICES; BANDS, ORCHESTRAS, AND MUSICIANS – GENERALLY," TO PROVIDE FOR CITY COMMISSION WAIVER FOR SPECIAL OCCASIONS AND OCCASIONS ON CITY OWNED, OPERATED OR LEASED PROPERTIES AND FACILITIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 16979**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 36/SECTION 4 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED “NOISE/OPERATION OF RADIOS, PHONOGRAPHS, OR OTHER SOUND-MAKING DEVICES; BANDS, ORCHESTRAS, AND MUSICIANS – GENERALLY,” TO PROVIDE FOR CITY COMMISSION WAIVER FOR SPECIAL OCCASIONS AND OCCASIONS ON CITY OWNED, OPERATED OR LEASED PROPERTIES AND FACILITIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 36-4(c) of the Code of the City of Miami, Florida, as amended (“City Code”), provides for exemptions and waivers on special occasions; and

WHEREAS, Section 36-4(c) reads, “All of the above and foregoing shall not apply to City-sponsored activities and events held in or upon any City-owned facility or City-owned property. The City Commission may also declare an exemption from the prohibitions contained in this Subsection and declare them inapplicable on special occasions by resolution for private property”; and

WHEREAS, the above subsection does not provide for any noise waiver for non-City sponsored activities that occur on City of Miami (“City”) property or in City-owned facilities; and

WHEREAS, this has created issues for many tenant-held events on City property or in a City facility; and

WHEREAS, Section 36-5(b) and (c) of the City Code provides for the same wavier but also includes tenants of City property and facilities and an overall waiver authority for the City Commission; and

WHEREAS, it is the best interests of the residents and businesses of the City that the waiver in Section 36-4 be similar to that of Section 36-5 and allow tenants on City property and facility tenants to also seek waivers on special occasions;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 36 of the City Code is hereby amended in the follow particulars:<sup>1</sup>

“CHAPTER 36”

<sup>1</sup> Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

NOISE

\* \* \*

Sec. 36-4. Operation of radios, phonographs, or other sound-making devices; bands, orchestras, and musicians—Generally; exemption.

(c) All of the above and foregoing shall not apply to city-sponsored activities and events held in or upon any city-owned facility or city-owned property.

(1) The city commission may also declare an exemption from the prohibitions contained in this subsection and declare them inapplicable on special occasions by resolution ~~for private property.~~

(2) The above exemption shall not apply to tenants of City owned property or facilities, such tenants shall be required to seek a waiver pursuant to Section 36-4(c)(1) of the City Code.

\* \* \*

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately after final reading and adoption thereof.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
George K. Wysocki III, City Attorney 12/2/2024

<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.