

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES, ENTITLED “NUISANCES”, SPECIFICALLY AT ARTICLE IV, ENTITLED “NOISES” AND SECTION 12-53, ENTITLED “SPECIFIC PROHIBITIONS” TO REQUIRE COMPLIANCE WITH THE NOISE ORDINANCE FOR ANY CITY SPONSORED OR CITY SANCTIONED ACTIVITY; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 12-53 of the City Code of Ordinances (“City Code”) regulates noise disturbances relating to music, sounds and other noise related activities in the City of North Miami; and

**WHEREAS**, Section 12-53(b) of the City Code of Ordinances currently excludes any city sponsored or sanctioned activity from the application of section 12-53, prohibiting loudspeakers and public address systems that creates a noise disturbance across a real property boundary or within a noise sensitive zone, or between the hours of 10:00 p.m. and 7:00 a.m. the following day; and

**WHEREAS**, the Mayor and City Council desires to amend the City Code to ensure that any city sponsored or sanctioned activity is no longer excluded in Section 12-53(b); and

**WHEREAS**, the Mayor and City Council have determined that this amendment is in the best interest of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 12 of the Code of Ordinances entitled “Nuisances”, under Article IV, entitled “Noises”, specifically at Section 12-53, entitled “Specific Prohibitions”, to require compliance with the noise ordinance for any city sponsored or city sanctioned activity, as follows:

**CHAPTER 12. NUISANCES**

\* \* \* \* \*

## ARTICLE IV. NOISES

\* \* \* \* \*

### Sec. 12-53. - Specific prohibitions.

The following acts and the causing thereof, are declared to be in violation of this section:

- a. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:
  1. Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone;
  2. In such a manner as to create a noise disturbance at twenty-five (25) feet when operated in or on a motor vehicle on a public right-of-way or public space;
  3. This section shall not apply to noncommercial spoken language covered under paragraph b. below.
- b. Loudspeakers and public address systems. Using or operating for any purpose any loudspeaker, sound amplifying equipment, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (2) between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space, not including any city sponsored or sanctioned activity.

**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

**Section 3.** **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq. \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
Vice Mayor Marie Erlande Steril \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
Councilperson Michael R. Blynn, Esq. \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
Councilperson Scott Galvin \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
Councilperson Jean R. Marcellus \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.