

**ORDINANCE NO. 09-119**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 21-28, NOISES, UNNECESSARY AND PROHIBITED, OF THE TOWN'S CODE OF ORDINANCES TO MODIFY THE NOISE REGULATIONS ON JULY 4<sup>TH</sup> AND DECEMBER 31<sup>ST</sup> OF EACH YEAR IN THE TOWN OF MIAMI LAKES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 8.3 of its Town Charter, the Town of Miami Lakes (the "Town") adopted the Miami-Dade County Code (2000) (the "Code"), at the time of the Town's incorporation; and

**WHEREAS**, on June 8, 2004, the Town Council adopted Ordinance 04-50 amending the noise abatement regulations of Section 21-28 of the Code to better address and serve the needs of the Town; and

**WHEREAS**, the Town's code currently prohibits the operation of any radio receiving set, television set, musical instrument, phonograph or other device for reproducing sound or music at a volume louder than necessary for listeners in the same room between the hours of 11:00 p.m. and 7:00 a.m; and

**WHEREAS**, the Town seeks to modify standards to allow an extended period for the operation of radio receiving sets, television sets, musical instruments, phonographs or other devices for reproducing sound at a volume louder than necessary for listeners in the same room to accommodate holiday celebrations for July 4<sup>th</sup> and December 31 of each year; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amendment to the Town Code.** Section 21-28 of the Town Code is hereby amended as follows<sup>1</sup>:

**Sec. 21-28. Noises; unnecessary and excessive prohibited.**

(1) 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 County, 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 the room, vehicle 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., except on July 4 and December 31, in which case, 11:00 p.m. shall be extended to 12:00 a.m. of July 5 and January 1, respectively, (of each year), in such manner as to be plainly audible at a distance of one hundred (100) feet from the

---

<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

building, structure, vehicle or person where the sound is originating from shall be prima facie evidence of a violation of this section.

\* \* \*

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with 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. Inclusion in the Town Land Development Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Miami Lakes, Florida and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

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

The foregoing Ordinance was offered by Councilmember Nancy Simon, who moved its adoption on first reading. The motion was seconded by Mary Collins and upon being put to a vote, the vote was as follows:


Mayor Michael Pizzi	Yes
Vice-Mayor Nick Perdomo	Yes
Councilmember Mary Collins	Yes
Councilmember George Lopez	Yes
Councilmember Robert Meador	Yes
Councilmember Richard Pulido	Absent
Councilmember Nancy Simon	Yes

PASSED AND ADOPTED on first reading this 10<sup>th</sup> day of November, 2009.

The foregoing Ordinance was offered by Councilmember Nancy Simon, who moved its adoption on second reading. The motion was seconded by Councilmember Robert Meador, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	Yes
Vice-Mayor Nick Perdomo	Yes
Councilmember Mary Collins	Absent
Councilmember George Lopez	Yes
Councilmember Robert Meador	Yes
Councilmember Richard Pulido	Yes
Councilmember Nancy Simon	Yes

PASSED AND ADOPTED on second reading this 8<sup>th</sup> day of December, 2009.

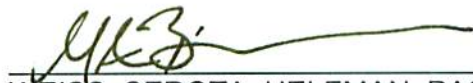
  
\_\_\_\_\_  
MICHAEL PIZZI  
MAYOR

ATTEST:



MARJORIE TEJEDA, TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.