

ORDINANCE No. 2023- 04

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 26-128, TITLED “UNREASONABLY LOUD NOISE PROHIBITED”, OF THE CITY’S CODE OF ORDINANCES TO INCLUDE ADDITIONAL STANDARDS AND CLARIFYING LANGUAGE WITH RESPECT TO NOISE CAUSED BY HORNS, SIGNALING DEVICES, ANIMALS, AND CONSTRUCTION; ADDING STEADY MECHANICAL NOISE AS AN ENUMERATED NOISE VIOLATION; ELIMINATING THE EXEMPTION FOR USE OF LOUSPEAKER DEVICES IN POLITICAL CAMPAIGNS; ADDING STEADY, MECHANICAL NOISE AS AN ENUMERATED ACT THAT MAY BE A VIOLATION OF SECTION 26-128; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”) regulates noise generating activities within the boundaries of the City through Chapter 26, Article V of its Code of Ordinances (the “City Code”); and

WHEREAS, Section 26-128 of the City Code, titled “Unreasonably loud noise prohibited”, provides that 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, and further enumerates thirteen (13) acts that are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of said section (“Noise Ordinance”); and

WHEREAS, in consultation with City’s Code Compliance Department, it has been determined that the City’s Noise Ordinance can be enhanced by providing additional standards for determining what constitutes a violation of said ordinance with respect to horns, signaling devices, and animals; and

WHEREAS, in addition to the above, it has been determined appropriate to eliminate the exemption in Section 26-128(10) of the Noise Ordinance for noise made during political campaigns that would otherwise be deemed a violation of the prohibition on sound trucks, loud-speakers, sound amplifiers, or radios, emitting loud and raucous

noises; and

WHEREAS, the elimination of the exemption for unreasonably loud, excessive, unnecessary or unusual noises related to political campaigns is appropriate, as government regulations of speech should be content-neutral; and

WHEREAS, steady, mechanical noise is currently not regulated under the City's Noise Ordinance, but may nevertheless cause unreasonably loud, excessive, unnecessary or unusual noise, which can interfere with peace and tranquility of a community; and

WHEREAS, the Mayor and City Council through the adoption of this ordinance seek to promote and protect the public health, safety, and welfare for all of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL:

Section 1. **Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. **Amending Code.** Chapter 26, Article V of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Chapter 26 - MISCELLANEOUS OFFENSES

Article I. – IN GENERAL

Article V. – NOISE

Section 26-128. - Unreasonably loud noise 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. 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:

(1) *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 city, 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~~ continuously or intermittently for a period in excess of 60 seconds.

(3) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or yard in which the dog, animal or bird is located. Without limiting the meaning of the terms used in this subsection, it is provided that:

a. A person shall be deemed to harbor, possess or keep an animal if the person: has, by any means, confined the animal to the property where the animal is located; or has, within the preceding 14 days, intentionally provided food to the animal or another animal of the same species on the property where the animal is located; and

b. Noise shall be deemed to be frequent, habitual or long continued if the noise continues: for a period in excess of 30 minutes; or for at least three separate periods, each in excess of 15 minutes, provided that the periods occur within the time span of three consecutive days.)

(10) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this ~~county~~ city for any purpose of any device known as a sound truck, loud-speaker or sound amplifier or radio or any other instrument of any kind or character which emits there from loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. ~~It is~~

~~provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker-type devices in political campaigns.~~

(13) *Steady, mechanical noise.* The use of an air conditioner, electric motor, pool pump, exhaust fan, filter, or similar noise-producing mechanical equipment which causes frequent, habitual or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or property line in which the mechanical equipment is located.

~~(13)~~ (14) Construction. This section shall not be construed to prohibit construction work that does not generate noise. It is intended solely to regulate the noise generated by construction activities, including the operation of construction-related vehicles and equipment on a construction site.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. All ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Incorporation Into the Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance

may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

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

The foregoing Ordinance was offered by Councilmember Cabral who moved its adoption.

The motion was seconded by Councilmember Puig-Corve upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 8 day of March, 2023.

PASSED AND ADOPTED on SECOND READING this 12 day of April, 2023.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
INTERIM CITY ATTORNEY