

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE, CHAPTER 34-NUISANCES, ARTICLE VI- NOISE, SECTION 34-166-DEFINITIONS, AND SECTION 34-169-ENUMERATED PROHIBITED ACTS IN ORDER TO PROHIBIT THE USE OF GASOLINE POWERED LEAF BLOWERS WITHIN THE CITY, AND AMENDING CHAPTER 1- GENERAL PROVISIONS, SECTION 1-7-PENALTIES IN ORDER TO ADD ASSOCIATED PENALTIES, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Coral Gables regulates the noise associated with and the hours of operation of certain landscaping equipment used by residents and commercial entities within the City ; and

WHEREAS, the City Commission has received various complaints about excessive noise and pollution caused by gasoline powered leaf blowers, and an increased number of complaints given recent increases in residents working from home during the day; and

WHEREAS, the City has long been concerned with the environmental harm associated with the use of gasoline-powered leaf blowers and at various points has piloted the use of electric leaf blowers by City staff and contractors; and

WHEREAS, in May of 2022 the City Commission adopted Resolution 2022-119 establishing a goal to cease use of gas operated leaf blowers by City staff and City contractors by 2024; and

WHEREAS, other municipalities around Miami-Dade County and the City have recently prohibited the use of gasoline powered leaf blowers within their boundaries; and

WHEREAS, the City Commission finds that in order to address the health, safety, and welfare concerns associated the use of gasoline powered leaf blowers it is necessary to phase out and ultimately prohibit the use of gasoline-powered leaf blowers in the next year.

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

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 34- Nuisances Article VI- Noise, Section 34-166 “Definitions”, Section 34-169 “Enumerated Prohibited Acts” and Chapter 1 “General Provisions” - Section 1-7 “Penalties” of the City Code of Coral Gables City Code be amended as follows¹:

Sec. 34-166. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient sound level means the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. The ambient sound level is synonymous with background sound level. Ambient sounds are differentiated from extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous. For purposes of this definition, the term "extraneous sound" means a sound of high intensity and relatively short duration which is neither part of the ambient sound, nor comes from the sound source under investigation.

Amplified sound means the use of any loudspeaker, public address system, amplifier, or any other device which electronically or mechanically augments the volume of sound including, by way of example, a radio, television set, bullhorn, or musical instrument.

Leaf Blower means any air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse, or debris.

Person means any individual, corporation, partnership, or other legal entity, or any agent or employee thereof.

Real property line means either:

- (1) The boundary line of a parcel;
- (2) The vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling; or
- (3) On a mixed-use property, the interface between the two portions of the property on which different categories of activity are being performed.

For purposes of this definition, the term "mixed-use property" means more than one type of use in a building or set of buildings with some combination of residential and nonresidential use, and the term "multifamily dwelling" means any building occupied or intended to be occupied by more than two families, living separately and with separate kitchens or facilities for cooking on the premises (which

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

includes apartments, condominiums and coach homes, but does not include hotels, motels, bed and breakfasts, townhouses, or cluster dwellings).

Sound-affected site or unit means the location or dwelling unit of a person making a noise complaint.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network, such as A, as specified in the latest revision of the ANSI Standard S1.4, "Specification for Sound Level Meters."

Sound level meter means an instrument that measures sound and conforms to ANSI S1.4-1983 or its successor publications.

Violator means any person that has committed or is alleged to have committed a Code violation or is legally responsible for a Code violation including, but not limited to, a property owner or his or her agent, tenant, or entity on the premises, or any combination thereof.

Sec. 34-169. Enumerated prohibited acts.

The following acts, among others, are declared to be loud, excessive, unnecessary or unusual noises in violation of this article, 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 in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound or a siren, whistle or bell; and the sounding of any such device for any unnecessary and unreasonable period of time.

(2) *Amplified sound.* The making of amplified sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, chamber, or outdoor private property in which such machine or device is operated and who are voluntary listeners thereto. The making of any such sounds:

a. Between the hours of 11:00 p.m. and 7:00 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday; or

b. Between the hours of 12:00 midnight and 7:00 a.m. the following day on Friday and Saturday;

in such manner as to be plainly audible at a distance of 100 feet from the source of the noise, or if the noise is emanating from a building, structure or vehicle, from any exterior edge of that building, structure or vehicle, shall be prima facie evidence of a violation of this section. Provided, however, that the making of amplified sound in connection with a special event or parade shall be governed by the applicable noise provisions in chapter 62 of this Code.

(3) *Animals.* The owning, keeping, possessing or maintaining of any domesticated animal which vocalizes (howls, yelps, barks, squawks, or generates any other noise) where the vocalizing is plainly audible at or within the property line of the sound-affected site or unit, and where:

a. Such vocalizing continues for more than five minutes without interruption, which is defined as an average of ten or more vocalizations per minute; or

b. Such vocalizing is repeated an average of five times or more per minute for 20 or more consecutive minutes.

This subsection shall not apply if the domesticated animal is unreasonably provoked.

(4) *Exhausts.* The discharge into the open air of the exhaust of a steam engine, stationary internal combustion engine, flushing of boat motors, or motor vehicle that creates unreasonably loud or explosive noises.

(5) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or other motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.

(6) *Mufflers.* Every motor vehicle, motorcycle and motor-driven cycle muffler that creates unreasonably, excessive or unusual noise.

(7) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.

(8) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.

(9) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in the city for any purpose of any device known as a sound truck, loudspeaker or sound amplifier or any other instrument of any kind or character which emits loud and raucous noises.

(10) *Power tools and landscaping equipment use by resident.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chainsaws, power tools and other noise-producing tools which are used to maintain the outdoors of a residence:

a. Between the hours of 8:00 p.m on Sunday, Monday, Tuesday, Wednesday and Thursday and 8:00 a.m. the following day;

b. Between the hours of 8:00 p.m on Friday and Saturday and 9:00 a.m. the following day.

c. On holidays, as established by section 1-2.

d. Permissible hours of use:

Power Tools and Landscaping Equipment Use by Resident		
Monday—Friday	Saturday—Sunday	Holidays
8:00 a.m. to 8:00 p.m.	9:00 a.m. to 8:00 p.m.	Prohibited

(11) *Outdoor maintenance equipment use by commercial entity.* The use of maintenance equipment, by a commercial entity or business, which creates a loud, excessive, unnecessary or unusual noise in connection with the operation of said equipment within 100 feet of any residential area:

- a. Between the hours of 6:00 p.m. on Monday, Tuesday, Wednesday, and Thursday and 8:00 a.m. the following day;
- b. Between the hours of 6:30 p.m. on Friday and 9:00 a.m. on Saturday;
- c. Between the hours of 5:00 p.m. on Saturday and 8:00 a.m. [on] Monday;
- d. On holidays, as established by section 1-2.
- e. Permissible hours of use:

Outdoor Maintenance Equipment Use by Commercial Entity				
Sunday	Monday—Thursday	Friday	Saturday	Holidays
Prohibited	8:00 a.m. to 6:00 p.m.	8:00 a.m. to 6:30 p.m.	9:00 a.m. to 5:00 p.m.	Prohibited

f. The use of outdoor maintenance equipment on all golf courses and parks located within the City is exempt from the hours of operation restrictions under section 34-169(11).

g. The use of outdoor maintenance equipment by, or on behalf of, the city of Coral Gables is exempt from the hours of operation restrictions under section 34-169(11).

Commercial maintenance equipment includes, by way of example, noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chainsaws, power tools and other noise-producing tools, where that noise is generated by a third party commercial maintenance company, rather than by the lawful owner or tenant of the premises.

(12) *Construction noise.* Any site preparation, assembly, erection, substantial repair, alteration, delivery of materials, demolition or similar action, which disturbs the peace and quiet of the neighborhood, on public or private property, rights-of-way, structures, utilities or similar property:

- a. Between the hours of 6:00 p.m. and 7:30 a.m. the following day on Monday, Tuesday, Wednesday, and Thursday;
- b. Between the hours of 6:00 p.m. on Friday and 9:00 a.m. on Saturday;
- c. Between the hours of 5:00 p.m. on Saturday and 7:30 a.m. Monday;
- d. On holidays, as established by section 1-2, unless waived by the city manager or designee.

(13) *Steady, mechanical noise.* The use of an air conditioner, electric motor, pool pump, exhaust fan, filter, or similar noise-producing mechanical equipment which creates a noise that exceeds the following sound levels:

TABLE 1: Maximum Permitted Sound Levels in Decibels (dBA)		
Receiving Zoning District	Between the hours of 11:00 p.m. and 7:30 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday; and between the hours of midnight and 9:00 a.m. the following day on Friday and Saturday.	All other times.
Single-family Residential District	5 dBA above ambient sound level or maximum of 55 dBA	10 dBA above ambient sound level or maximum of 60 dBA
Multifamily 1 Duplex District, Multifamily 2 District, and Multifamily Special Area District	5 dBA above ambient sound level or maximum of 60 dBA	10 dBA above ambient sound level or maximum of 65 dBA
All Other Districts	5 dBA above ambient sound level or maximum of 65 dBA	10 dBA above ambient sound level or maximum of 65 dBA

The sound levels in Table 1 above shall be measured from the real property line of the sound-affected site or unit, and the zoning district where the sound-affected site or unit is located shall apply. The sounds levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute. This subsection (13) shall not apply to noise generated pursuant to a valid construction permit.

- (14) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.

(15) Leaf Blowers. The use of gasoline-powered leaf blowers is prohibited within the city.

_____ a) Battery- and electric-powered leaf blowers may be used within the city provided they do not exceed a decibel level of 65 dBA as shown on the manufacturers label affixed to the leaf blower.

_____ b) Battery- and electric-powered leaf blowers that do not have a manufacturers label affixed to it that reflects its dBA rating may not be used within the city.

_____ c) Use of battery-and electric-powered leaf blowers is subject to subsections (10) and (11) above.

_____ d) In the event of a hurricane, tropical storm, or similar extreme weather event, the City Manager, in the City Manager's sole discretion, may temporarily suspend provisions of subsection (15) to permit the use of gas-powered leaf blowers for debris cleanup.

_____ e) Any property owner or principal of a landscape maintenance company that reported a household annual gross income of 80% of the area median income, or less, on its income tax filing for the most recent tax year, may submit a written request to the city manager, on a form prepared by the city manager, for a financial hardship waiver of the requirements of this subsection. The city manager may grant a waiver if the property owner or landscape maintenance company provides evidence of the following:

i) there is not comparable alternative product that does not use gas to power a leaf blower; or

ii) the purchase or use of an alternative product would create an undue financial hardship.

Such financial hardship waiver shall be valid for twelve (12) months and may be renewable upon application to the city manager.

Sec. 1-7. - Penalties.

<i>City Code §</i>	<i>Description of Violation</i>	<i>Penalty</i>
CC 34-3	Mosquitos	Fine not to exceed \$500.00 per day or by imprisonment in county jail for a period not to exceed 60 days

CC 34-26	Squatting	Fine of \$500.00 for each day the violation remains uncured
CC 34-55	Maintaining a lot that is unsightly or unsanitary	Civil penalty of \$200.00
CC 34-105	Maintaining a vehicle in an abandoned, junked or dismantled condition	Civil penalty of \$200.00
CC 34-135	Graffiti	A fine of \$500.00 or by imprisonment in accordance with the requirements of state law; or both fine and imprisonment at the discretion of the court
CC 34-136	Possession of spray paint and markers	A fine of \$250.00 for a first offense, \$500.00 for a second offense, and \$1,000.00 for each subsequent offense
<u>CC 34-169</u> <u>(15)</u>	<u>Leaf Blowers</u>	<u>A civil fine of \$250.00</u>
CC 34-172	Noise	A fine of not less than \$150.00 and not more than \$500.00 per day
CC 34-206	Abandoned property	\$500.00 fine
CC 34-211	Failure to register and maintain vacant property	\$500.00 fine, imprisonment a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the judge
CC 34-265	Polystyrene	First violation within a 12-month period, \$50.00 Second violation within a 12-month period, \$100.00 Third violation within a 12-month period, \$500.00 Any subsequent violation within a 12-month period, \$1,000.00

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

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If the City Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective immediately upon passage.

SECTION 9. Enforcement of the newly adopted Section 34-139 shall not begin until June 1, 2024, following an extensive education campaign.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2023.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY