

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 34, “NUISANCES,” OF THE CITY OF CORAL GABLES CODE, BY REVISING HOURS OF OPERATION FOR POWER TOOLS, LANDSCAPING EQUIPMENT, AND COMMERCIAL MAINTENANCE EQUIPMENT, UNDER SECTION 34-169, TITLED “ENUMERATED PROHIBITED ACTS”, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that regulating certain categories of noise will protect the citizens of the City of Coral Gables from unreasonable disturbance and annoyance due to noise that exceeds the appropriate levels; and

WHEREAS, the City Commission finds that current hours of operation for power tools, landscaping equipment, and commercial maintenance equipment begins too early for the comfort and peace of the residents of the City of Coral Gables; and

WHEREAS, the City Commission desires to make changes to the hours of operations for power tools, landscaping equipment, and commercial maintenance equipment in order to preserve the comfort, repose, health, and peace of the citizens of the City of Coral Gables.

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

SECTION 1. 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. Chapter 34, Article VI, Section 34-169 of the Code of the City of Coral Gables, Florida, is hereby amended as follows¹:

Chapter 34 – Nuisances

* * *

Article VI. – Noise

¹ Words and figures underscored are additions to existing code; words and figures ~~struck through~~ are deletions.

Sec. 34-169. – Enumerated prohibited acts.

(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 ~~or at~~ the outdoors of a residence ~~out of doors~~:

- a. Between the hours of ~~11:00~~ 8:00 p.m on Sunday, Monday, Tuesday, Wednesday and Thursday. and ~~7:30~~ 8:00 a.m. the following day ~~on Sunday, Monday, Tuesday, Wednesday and Thursday~~;
- b. Between the hours of 8:00 p.m on Friday and Saturday ~~midnight~~ and 9:00 a.m. the following day ~~on Friday and Saturday~~.
- c. On holidays, as established by section 1-2.
- d. Permissible hours of use:

<i>Power tools and landscaping equipment; use by resident</i>		
<u>Sunday</u>	<u>Monday-Friday</u>	<u>Saturday</u>
<u>9:00am to 8:00pm</u>	<u>8:00am to 8:00pm</u>	<u>9:00am to 8:00pm</u>

(11) ~~Commercial~~ Outdoor maintenance equipment; use by commercial entity. The use of ~~commercial~~ 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 ~~7:30~~ 8:00 a.m. the following day ~~on Monday, Tuesday, Wednesday, and Thursday~~;
- b. Between the hours of ~~6:00~~ 6:30p.m. on Friday and ~~9:00~~ 10:00 a.m. on Saturday;
- c. Between the hours of 5:00 p.m. on Saturday and ~~7:30~~ 8:00 a.m. Monday;
- d. On holidays, as established by section 1-2.
- e. Permissible hours of use:

<u>Outdoor maintenance equipment; use by commercial entity</u>			
<u>Sunday</u>	<u>Monday-Thursday</u>	<u>Friday</u>	<u>Saturday</u>
<u>Prohibited</u>	<u>8:00am to 6:00pm</u>	<u>8:00am to 6:30pm</u>	<u>10:00am to 5:00pm</u>

f. The use of outdoor maintenance equipment at City parks and facilities, and all golf courses located within the City, 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.

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 City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2018.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY