



City of Coral Gables
CITY COMMISSION MEETING
October 26, 2021

ITEM TITLE:

Ordinance on First Reading: AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING CHAPTER 34 "NUISANCES," ARTICLE VI. "NOISE," SECTION 34-170, "EXEMPTIONS," OF THE CITY OF CORAL GABLES CODE TO ADDRESS THE OPERATION AND TESTING OF EMERGENCY BACKUP GENERATORS, PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE (Sponsored by Mayor Lago)

BRIEF HISTORY:

The City Code contains a general prohibition on "unreasonably loud, excessive, unnecessary or unusual noise," and Section 34-169 of the City Code sets forth a series of prohibited acts that are declared to be loud, excessive, unnecessary, or unusual noise. Section 34-170 of the City Code sets forth a series of exemptions to the City's prohibitions regarding noise. Included in those exceptions is "reasonable noise generated in the performance of reasonable actions taken in response to an emergency or danger, including, but not limited to, the operation of emergency backup energy generators. In CAO 2019-028, the City Attorney opined that the routine testing of emergency backup generators falls within the exception set forth in Section 34-170(3).

Since that time, staff has researched Occupational Safety and Health Administration standards relating to noise in the workplace and determined that a "reasonable" sound level for purposes of the exemption, as it applies to the operation and testing of generators, is either 70 or 80 dBA at the nearest property line, depending on type of property. In addition, section 34-170(3) is unclear as to where the dBA level should be measured from.

This ordinance codifies CAO 2019-028, to specify that the exemption applies to the routine testing of emergency backup generators, establishes appropriate sound levels, and clarifies that the sound level shall be measured from the nearest property line. In addition, the ordinance acknowledges the need to *grandfather* noise levels produced by emergency backup generators that have received a Certificate of Occupancy, Temporary Certificate of Occupancy, or in the case of single-family homes, have received a permit from the City and closed said permit.

1. Draft Ordinance