

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010- _____

AN ORDINANCE CREATING CHAPTER 34, ARTICLE VI, ENTITLED "LAWN MAINTENANCE EQUIPMENT" OF THE CODE OF THE CITY OF CORAL GABLES, FLORIDA AND REGULATING DEBRIS PRODUCED AND COMING FROM ALL LAWN MAINTENANCE EQUIPMENT; AMENDING ARTICLE V BY CHANGING THE HOURS OF OPERATION FOR POWER TOOLS AND LANDSCAPING EQUIPMENT UNDER CHAPTER 34; PROVIDING FOR RESTRICTIONS ON THE USE OF MOTORIZED LEAF BLOWERS, PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, in order to preserve the comfort, repose, health and peace of the citizens of the City of Coral Gables, the City Commission wishes to create the lawn maintenance equipment ordinance providing additional restrictions and amending the hours in which one may use landscape or power tools when making loud and unnecessary noises within the city limits;

WHEREAS, providing procedures and standards regulating the making of loud and unnecessary noise will protect the citizens of the City of Coral Gables from unreasonable and continuous disruption of the community due to power tool and landscaping equipment noise and the devices' ability to broadcast debris into the air and onto nearby properties.

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

Section 1. That the recitals and findings contained in the preamble to this Ordinance are adopted by Reference and incorporated as if fully set forth in this section.

Section 2. That the Code of the City of Coral Gables, Chapter 34, Article VI, entitled "Lawn Maintenance Equipment," is hereby created and Article V, entitled "Noises," is hereby amended, to read as follows:

Chapter 34, Article VI. Lawn Maintenance Equipment

34-136 - Prohibitions

It shall be unlawful for any person to cause the discharge of debris upon, near or adjacent to the streets, sidewalks (including the curb and gutter), alleyways, highways, and other public places which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

34-137 - Declared a nuisance.

The discharge of debris upon, near or adjacent to the streets, sidewalks (including the curb and gutter), alleyways, highways, sewer, drainage system and other public places in the city is hereby declared to be a nuisance.

34-138 - Prohibited acts.

Discharge of Debris. The discharge of any debris associated with the use of landscaping equipment, including, but not limited to, the operation of lawn mowers, lawn-edger's, weed trimmers, blowers and chippers, used to maintain a lawn shall be immediately gathered and entirely disposed of so that it is not loose and capable of entering or coming upon any street, sidewalk (including the curb and gutter), alleyways, right-of-way, sewer, drainage system, or any other area used by or accessible to the public. The operator of any landscaping equipment shall prohibit any debris from entering or coming upon any street, sidewalk (including the curb or gutter), alleyways, right of way, sewer, drainage system, or any other area used by or accessible to the public.

Motorized leaf blower(s). No person shall operate any motorized leaf blower in a residential area within the city. Property owners, their tenants, and anyone hired by either party may be held responsible for compliance with this ordinance.

Exemptions:

1. Owners of private residences or their tenants shall be permitted personal use of electrically-powered leaf blowers on their own property provided that such blowers are not ultimately powered by combustion-engine powered generators. Lawn maintenance companies, their employees, or other vendors are not included in this exemption.
2. Governmental entities, their contractors, agents or assigns, performing services on Right of Ways (R.O.W.) or public lands and property in all districts except the single family residential districts of the city.*

Section 34-139 - Enforcement.

This chapter shall be enforced by the City's Code Enforcement Department.

Section 34-140 - Penalties.

(1) A City code enforcement official who finds a violation of this article shall issue a written warning to the violator and/or property owner or employee, agent or contractor working for a property owner to immediately correct the violation.

(2) Any property owner in violation of the provisions of this article shall be deemed guilty of an offense and shall be assessed a fine as per Resolution by the City Commission of Coral Gables.

Chapter 16, Article V. Noises

Section 34-124. Prohibited Acts.

The following acts, among others, are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

10) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn-edger's, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain a residential lawn is prohibited:

- (a) Between the hours of 11:00 p.m. 8:00 p.m. and 7:30 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday;
- (b) Between the hours of midnight 11:00 p.m. and 9:00 a.m. the following day on Friday and Saturday.

Section 3. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

Section 5. CODIFICATION.

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 a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. EFFECTIVE DATE.

This ordinance shall become effective thirty days one hundred twenty (120) days from the date of its adoption by the City Commission. During the one hundred twenty (120) day time period, the city shall provide an education and awareness program.

PASSED AND ADOPTED this _____ day of _____ 2010.

ATTEST:

WALTER FOEMAN
CITY CLERK

DONALD D. SLESNICK II
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

***added by Commissioner Cabrera**