



Keep Winter Park Beautiful & Sustainable Advisory Board Work Session

Agenda

June 17, 2021 @ 2:00 pm

Virtual

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Call to Order**2. Discussion Item(s)**

Discussion of Gas Powered Leaf Blower Policy

1hr 20min

3. Public Comments: Three minutes allowed for each speaker

For this work session, public comments will be taken towards the end of the meeting. Members of the Public wishing to speak must submit a Public Comment Form available at cityofwinterpark.org/board-public-meetings which becomes available 30 minutes before the start of the work session. If you would like to provide comments prior to the meeting, please send them to sustainability@cityofwinterpark.org. These comments will not be read publicly into the record during the meeting but will be sent to board members and staff.

10 minutes

4. Adjournment



Keep Winter Park
Beautiful &
Sustainable
Advisory Board
Work Session

agenda item

item type	Discussion Item(s)	meeting date	June 17, 2021
prepared by	Vanessa Balta	approved by	
board approval			
strategic objective			

subject

Discussion of Gas Powered Leaf Blower Policy

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[LeafBlowerInfo.pdf](#)

ATTACHMENTS:

[Key Biscayne Ordinance](#)

ATTACHMENTS:

[Key West Ordinance](#)

ATTACHMENTS:

[Naples Ordinance](#)



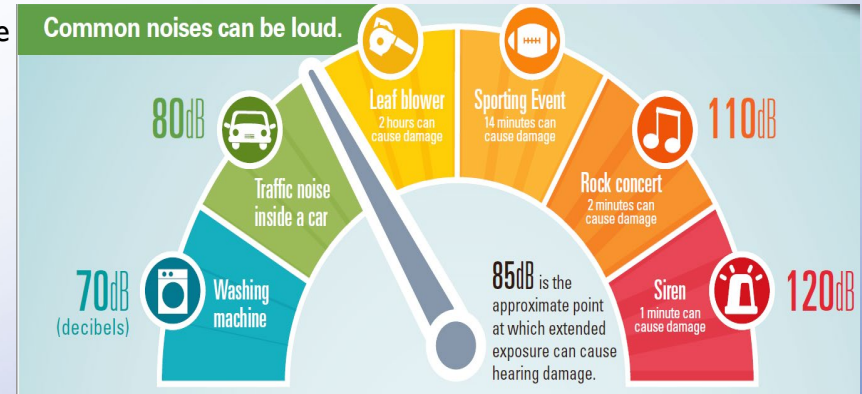
Current Policy ([Chapter 62 Offenses and Miscellaneous Provisions, Article IV-Offenses Involving Public Peace and Order, Division 2 – Noise & Disturbance Control, Specific prohibitions](#))

- *Domestic power tools*...mechanically powered lawn or garden tool between 9pm and 7am the following day so as to create a noise disturbance across a residential or commercial property line {allowed: Mon-Saturday 7am-9pm}
- *Domestic power tools on Sunday*...mechanically powered lawn or garden tool between 9pm on Saturday and 9am on Sunday so as to create a noise disturbance across a residential or commercial property line {allowed: Sundays 9am-9pm}

Gas Powered Leaf Blowers

Gasoline-powered leaf blowers

- Produce high levels of localized emissions that include hazardous air pollutants, criteria pollutants, (ozone, particulate matter, carbon monoxide) and carbon dioxide.
- Continual exposure to noise can cause stress, anxiety, depression and heart disease
- Health impacts to workers and members of the public will depend on their level exposure
- Series of EPA regulations gas-powered leaf-blowers are required to produce 80% less pollution than they were prior to 1995.
- Potential for fuel spillage/water quality impacts



Generally cities bans based on noise (and sometimes air pollution), may ban:

- All leaf blowers (Del Mar, Santa Monica, CA)
- Gasoline-powered leaf blowers (Beverly Hills, CA; Aspen, CO)
- All leaf blowers during certain seasons (Yonkers, NY)
- All leaf blowers during certain times of day (Greenwich, CT; Cambridge, MA; Coral Gables, FL; Winter Park, FL)
- All leaf blowers above a certain decibel level (Flower Hill, NY, Montgomery County, MD, Tampa, FL)

Gas Powered Leaf Blowers

Florida Examples

- Coral Gables (2016), Pop. 50K
 - Considered revisions, may revisit, for now have established a landscaper registration program
 - \$5 annual registration fee per vehicle decal, exceptions for <22 years old students performing work part-time, non-commercial and other exceptions
- Key Biscayne (2018), Pop. 13K
 - Amended Code to prohibit fuel-powered leaf blowers
 - 180-day grace period, corded-electric or battery powered, or raking/sweeping, kept existing regs of 65-decibel limit and working permitted hours of M-F 8am-6:30pm and Sat-Sun 10am-6:30pm
- Largo, FL (2020), Pop 84K, created an Alternative Fuel Vehicle Purchasing Policy that included replacement policy that prioritized electric-powered equipment over fossil fuel burning equipment
- Miami Beach, FL (Pop. 90K) and Orlando, FL (Pop. 280K) transitioning parks gas powered leaf blowers to electric (informal policy)
- Naples, FL (2020), Pop. 21K, prohibits gas powered blowers and any blower that exceeds 65 decibels, effective Oct. 21, 2021
- Palm Beach, FL (2017), Pop. 9K, prohibits gas powered leaf blowers on any property that is less than one acre in size

ORDINANCE NO. 2017-6

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, “NOISE” OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF “FUEL” AND REVISING THE DEFINITION OF “LEAF BLOWER” IN SECTION 17-1, “DEFINITIONS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) seeks to amend Chapter 17 “Noise” of the Village’s Code of Ordinances (“Code”); and

WHEREAS, the Village seeks to further enhance and protect the Village’s environment by prohibiting the use of fuel-powered leaf blowers that can emit pollutants within the Village; and

WHEREAS, small gas engines, such as those used in many leaf blowers, contribute ozone-damaging emissions to the environment and it is anticipated that ozone-contributing pollutants from small gas engines will exceed those same emissions from vehicles around 2020; and

WHEREAS, according to tests conducted by Edmunds’ InsideLine.com, an online resource for automotive enthusiasts, a consumer-grade leaf blower emits more pollutants than a 6,200-pound 2011 Ford F-150 SVT Raptor; and

WHEREAS, the Village Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlight.

Section 2. **Amending Chapter 17 of the Village Code.** That the Code of Key Biscayne, Florida is hereby amended by revising Section 17-1 “Definitions,” which section shall read as follows:

Section 17-1. Definitions

Fuel. A material, such as coal, oil or gas, that is burned to produce heat or power.

Leaf Blower. Any device used, designed or operated to produce a current of air by ~~fuel~~, electricity or other means to push, propel or blow lawn, tree or plant cuttings, refuse or debris. Such devices shall not produce a current of air by fuel.

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in Code.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village 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 5. Effective Date. That this Ordinance shall become effective 180 days after adoption on second reading.

PASSED on first reading this 13th day of June, 2017.

PASSED AND ADOPTED on second reading this 29th day of August, 2017.

ATTEST:


JENNIFER DUQUE, CMC
VILLAGE CLERK




MAYOR MAYRA PEÑA LINDSAY

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


VILLAGE ATTORNEY

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

PUBLIC NOTICE VILLAGE OF KEY BISCAYNE - MEETING - ORDINANCE - AMENDING CHAPTER 17, "NOISE" - AUG. 29, 2017

in the XXXX Court,
was published in said newspaper in the issues of

08/17/2017

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
17 day of AUGUST, A.D. 2017

Diana Herrera

(SEAL)

MARIA MESA personally known to me



VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, August 29, 2017 at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, "NOISE" OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF "FUEL" AND REVISING THE DEFINITION OF "LEAF BLOWER" IN SECTION 17-1, "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Jennifer Duque, CMC
Village Clerk

8/17

17-54/0000250233M

ORDINANCE NO. 21-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, ENTITLED "ENVIRONMENT", ARTICLE IV., ENTITLED "SOUND CONTROL BY AMENDING SECTION 26-191, "DEFINITIONS" BY AMENDING "LEAF BLOWERS"; ADDING SECTION 62-5 STATING PROHIBITION AGAINST BLOWING DEBRIS INTO STORM DRAINS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend Chapter 26 "Environment" of the City's Code of Ordinances ("Code"); and

WHEREAS, in response to numerous complaints by residents of the City of Key West who reside in the Historic Preservation Districts regarding offensive noise and environmental pollution in connection with the use of gas powered leaf blowers, the City Commission directed staff to draft a comprehensive ordinance regulating the use of leaf blowers in the City of Key West;

WHEREAS, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans, and deprive people of the peaceable enjoyment of their private property; and

WHEREAS, the City Commission finds that the use of leaf blowers to clear public and private property affects air quality, water quality, and impacts health and noise levels citywide; and

WHEREAS, after thorough consideration of various regulation options, the City Commission finds it is in the best interests of the residents, property owners, and visitors of the City of Key West to regulate the operation of gas powered leaf blowers and that amendments to the Code of Ordinances are deemed necessary by the City Commission to protect the health, safety, and general welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 26-191 of the Code of Ordinances is hereby amended as follows*:

Sec. 26-191. - Definitions.

For the purpose of this article, the following terms,

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

phrases, words, abbreviations, and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in this article.

[...]

Fuel means any material such as coal, oil or gas, that is burned to produce heat or power.

Leaf Blower means any device used, designated or operated to produce a current of air by electricity or other means to push, propel or blow lawn, tree or plant cuttings, refuse or debris. The use of gasoline powered leaf blowers is prohibited on any property less than a 1/2 acre in size which is located within the Historic Preservation Districts, the Historic Residential Commercial Core District-2 and the Historic Neighborhood Commercial Districts as defined in Code of Ordinances Chapter 122, Article IV, Division 6, Division 7, Subdivision III, and Division 8. Notwithstanding the

foregoing, no fuel powered blower shall be used within 50 feet of a residence located within the Historic Preservation Districts, the Historic Residential Commercial Core District-2 and the Historic Neighborhood Commercial Districts at any time. This prohibition shall be effective as of 8:00 a.m. on April 5, 2021. A violation of this prohibition shall be punishable pursuant to Chapter 2, Article VI, of the Code of Ordinances for the City of Key West.

Section 2: That Section 62-5 of the Code of Ordinances is hereby amended as follows*:

Sec. 62-5. - Leaf Blowers.

- (a) It shall be unlawful for any person who operates a leaf blower as defined by section 26-191 within the City to allow any leaves, dirt or any other debris blown to enter the storm drain system. All leaves, dirt, or any other debris blown on to public property or in the public right-of-way must be cleaned up and removed. Any person who violates this section shall be subject to the penalties as prescribed in Chapter 2, Article VI, of the Code

of Ordinances for the City of Key West.

- (1) Notwithstanding the foregoing, a person shall not be in violation of this section of blowing debris on any public property or in the public right-of-way if they remove the debris within 30 minutes of deposit and dispose of the debris in a sanitary manner which will prevent dispelling by wind, vandalism, or similar means. This exception shall not apply to any deposits into the storm drain system. Deposits into the storm drain system are not allowed at any time.

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance

are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission; however, to allow time for individuals and companies to acquire the necessary blowers, to provide for time for a transition to 2 stroke gas-powered leaf blower alternatives, as well as to allow for an educational period, the City will not commence enforcement of this ordinance until 8:00 a.m. on April 5, 2021.

Read and passed on first reading at a regular meeting held this 17th day of February, 2021.


Read and passed on final reading at a regular meeting held this 2nd day of March, 2021.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of March, 2021.

Filed with the Clerk March 3, 2021.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

ATTEST:


CHERYL SMITH, CITY CLERK


TERI JOHNSTON, MAYOR

ORDINANCE 2020-

AN ORDINANCE RELATING TO LEAF BLOWER USE, AMENDING CHAPTER 22, ENVIRONMENT, ARTICLE II, NUISANCES, SECTION 22-37, NOISE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Naples regulates Noise as specified in Chapter 22, Article II, Section 37, Code of Ordinances; and

WHEREAS, residents have petitioned City Council asking for relief from excessive noise generated by certain leaf blowers that unreasonably interferes with resident's customary use and enjoyment of their property; and

WHEREAS, City Council desires to prohibit the use of certain leaf blowers within the City's corporate limits to mitigate excessive noise that is generated by certain leaf blowers;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 22-37, Noise, of the Code of Ordinances, City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~striketrough~~ indicating deletions):

Chapter 22 – ENVIRONMENT

...

ARTICLE 11. – NUISANCES

...

Sec.22-37. - Noise.

(a) *Definitions.*

A-weighted level (dBA) means the total broad band sound level of the noise spectrum as measured using the "A-weighted network" of a sound level meter (SML). The unit of measurement is the dBA. All sound level meter settings will ~~shall~~ be for slow response, except for impulsive noise measurements which will ~~shall~~ be fast response.

Ambient sound means the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources near and far. For the purposes of this section, ambient sound level is the level obtained when the sound level is averaged over a period of at least 15 minutes without inclusion of sound from occasional or occasional and transient sources, at the location and time of day near that at which a comparison is to be made.

Amplified sound means sound augmented by any electronic means that increases the sound level or volume.

Decibel (dB) means a unit for describing the amplitude of sound, equal to 20 times the

logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Impulsive sound means a noise which is characterized by brief excursions of sound pressure which significantly exceed the ambient sound level.

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.

Nearest adjacent property line means the property line closest to the noise source.

Noise, or noise disturbance, means any sound that:

- (1) Exceeds the maximum permitted sound levels set out in Table 1 of this section;
or
- (2) Is loud and raucous so as to unreasonably disturb, injure, or endanger the comfort, repose, health, peace, tranquility, or safety of reasonable persons of ordinary sensibilities;
- (3) Constitutes a breach of the peace or a public nuisance;
- (4) Is plainly audible at a distance of 25 feet or more from the property line; or
- (5) With respect to vehicles and vessels, is plainly audible at a distance of 25 feet from the noise source.

Non-residentially zoned areas means those zoning districts which are not zoned primarily for single-family or multifamily use. Non-residentially zoned areas include all commercial, industrial, public service, PD for commercial uses, and other districts which permit nonresidential uses.

Octave band means all of the components in a sound spectrum whose frequencies are between two sine-wave components separated by an octave.

Property line means an imaginary line exterior to any enclosed structure, at the ground surface, which separates the real property owned by one person from that owned by another person, and its vertical extension.

Pure tone means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone ~~will shall~~ exist if the one-third octave band sound pressure level in the band with the tone exceeds arithmetic value of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Receiving property means the property which is receiving the noise.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound including duration, intensity, and frequency.

Sound amplifying equipment means any machine or device for the amplification of human voice, music, or any other sound.

Sound level meter means an instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this section ~~must shall~~ meet or exceed the requirements for Type 2 sound level meter in accordance with ANSI Standard S1.4.

(b) *General prohibitions.*

- (1) ~~It is shall be~~ unlawful and prohibited for any person to make, continue, or cause to be made or continued any noise, as defined in this section, or to create any noise disturbance within the limits of the city.
- (2) ~~It is shall be~~ unlawful and prohibited for any person owning or in possession of any building or premises to use, allow the use, or rent the same for any business or residential use, or for any purpose of pleasure or recreation if such use makes, continues, or causes to be made or continued, any noise, as defined in this section, within the limits of the city.

(c) *Specific noise prohibitions.* The following acts, where meeting the definition of noise above, are declared to be examples and prima facie evidence of noises that constitute a noise disturbance, breach of the peace, and public nuisance:

- (1) *Radios, audio or visual equipment, sound equipment, sound amplification devices, exterior loudspeakers, musical instruments and similar devices.* Operating or permitting the use or operation of any radio, musical instrument, audio or visual equipment, sound amplification devices, exterior loudspeaker, or other device for the production or reproduction of sound in such a manner as to cause noise. The operation of any such device for the production or reproduction of sound:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. ~~must shall~~ be controlled so that it is not loud or disturbing or a nuisance to persons within the area of audibility, or
 - b. At any time with louder volume than is necessary for convenient hearing for persons who are in the same dwelling unit of any multiple dwelling in which such device is operated, ~~will shall~~ be deemed prima facie evidence of a violation of this section.

Radios, audio systems, and similar devices associated with motor vehicles or motorboats, shall not be operated in such a manner as to create noise that is plainly audible at 25 feet or more from such device, when operated on a public right-of-way, waterways, beaches, or public space.

- (2) *Engine mufflers.* Operating any internal combustion engine, including such an engine associated with a motorboat, or motor vehicle without a muffler, or other device at least as effective as that installed as original equipment by the manufacturer, which will effectively prevent loud or explosive noises therefrom.
- (3) *Motor vehicle, motorcycle, or motorboat repair in residential areas.* The noncommercial repairing, rebuilding, modifying, or testing of any motor vehicle, off-road vehicle, or motorboat within or abutting any residential land use designation in such a manner as to create noise across a real property line between the hours of 10:00 p.m. and 7:00 a.m.
- (4) *Activities ~~near in the vicinity of~~ schools, churches, and health care facilities.* Creating noise on any street adjacent to any school, church, or health care facility, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in a health care facility.
- (5) *Peddling, hawking, or vending.* Peddling, hawking, or vending, including shouting, crying out by peddlers, hawkers, or vendors along or on a

roadway.

- (6) *Yelling, shouting.* Yelling, shouting, hooting, whistling, singing, or the making of similar noises, and loud, boisterous conduct other than normal conversation at reasonable levels, inside of or on the grounds of any public or private property between the hours of 10:00 p.m. to 7:00 a.m., ~~that so as to~~ annoys or disturbs the quiet, comfort, or repose of other persons or create a disturbance.
- (7) *Horns, signal devices.* Sounding of any horn or audible signal device of any motor vehicle, boat, engine, or machine of any kind while not in motion, nor ~~will shall~~ such horn or signal device be sounded under any circumstances except as required by law, or as a danger warning, nor ~~will shall~~ it be sounded for any unnecessary or unreasonable period of time.
- (8) *Air conditioning units and other mechanical equipment including, pool or spa heaters and pumps, and regularly-used generators, irrigation pumps, and exhaust fans.* Operating any noise creating fan or blower, air conditioner, compressor unit, pool heaters, pool pumps, heat pumps, or the electric motor or any engine used to drive such device, the operation of which causes excessive and unnecessary noise, unless such noise is muffled and deadened by adequate noise compression and muffling devices to minimize annoyance and disturbance to persons within range of hearing. Noise ~~will shall~~ be presumed excessive if it exceeds decibel limitations prescribed in Table 1 when measured at the property line of the receiving property. Mechanical equipment installed before December, 2006 shall not exceed 60 decibels (dBA).
- (9) *Drums, cymbals, musical instruments, and loudspeakers.* Creating, making, or maintaining any noise by the use of any drum, cymbals, loudspeaker, or other similar instruments in the city for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business. This provision shall not apply to permitted special events.
- (10) *Bells or sirens on vehicles.* Using, in connection with an unauthorized vehicle, any bell or siren similar to that used on ambulances or vehicles of the sheriff, fire departments, and other public safety agencies.
- (11) *Skateboard ramps.* Using any skateboard ramp or similar configuration for skateboarding or rollerblading between 10:00 p.m. and 7:00 a.m. in a residential land use designation in such a manner that results in noise across a real property line.
- (12) *Powered model vehicles.* Operating or permitting the operation of powered model vehicles in such a manner as to create noise across a real property line between the hours of 9:00 p.m. and 7:00 a.m.
- (13) *Animal noises.* Allowing an animal to habitually bark, whine, howl, squawk, screech, or cause any other noise which is objectionable due to pitch, frequency, duration, or timing.
- (14) *Lawn, landscape, and tree maintenance.* Permitted days and hours of operation for lawn and landscape maintenance, tree trimming, and tree removal. Lawn and landscape maintenance activities, tree trimming activities, and tree removal activities may be conducted only during the following hours, Monday through Sunday except New Year's Day, Easter Sunday, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day:
 - a. *Monday through Friday hours of operation:*
 1. In residential areas: 7:30 a.m. to 5:30 p.m.
 2. In nonresidential areas: 6:30 a.m. to 5:30 p.m.
 - b. *Saturday hours of operation:*

1. Businesses that perform lawn and landscape maintenance, tree trimming, or tree removal services may perform services in residential and nonresidential areas from 8:00 a.m. to 4:00 p.m.
 2. Residents may perform lawn and landscape maintenance activities in residential areas at their own property from 8:00 a.m. to 7:00 p.m.
 - c. *Sunday hours of operation:*
 1. Businesses that perform lawn and landscape maintenance, tree trimming, or tree removal services are prohibited from working on any Sunday in residential or nonresidential areas.
 2. Residents may perform lawn and landscape maintenance activities in residential areas at their own property from 8:00 a.m. and 5:00 p.m.
- (15) Leaf blowers. The use of gasoline-powered leaf blowers is prohibited within the city. This prohibition will become effective one year from the date approved by Council.
- 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.
- (165) *Outdoor live entertainment.* Providing outdoor live entertainment, as authorized in section 56-125 of the Code of Ordinances.
- a. In such a manner as to create noise as defined in this section as measured at the receiving property or a substantially similar location.
- (d) *Exemptions.* The following noises ~~will shall~~ be exempt from the restrictions set forth in the other sections of this article:
- (1) Noises of authorized safety signals and warning devices.
 - (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call, or acting in time of emergency, or any other public safety operation.
 - (3) Noises resulting from emergency work, which is to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from any imminent exposure to danger.
 - (4) Noises incidental to and necessary for city approved solid waste collection equipment, public works construction and maintenance; and police or fire training.
 - a. The city manager, may grant a waiver, may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
 - b. A waiver may be given upon finding that it will not unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of any affected persons because it is temporary in nature, adjacent property owners do not object, or for necessity or unavoidability.
 - c. Waivers may be issued for no longer than 30 days, renewable by further application to the city manager.

- (5) City maintenance activities and equipment operation within public service zoning districts, whether performed by city staff or a city contractor, may take place between the hours of 8:00 a.m. and 4:00 p.m. on Sunday.
- (6) City maintenance activities and equipment operation at public beach access areas, whether performed by city staff or a city contractor, may take place between the hours of 7:30 a.m. and 4:00 p.m. on Saturday and Sunday.
- (7) Golf course maintenance activities and equipment operation within the city is not restricted during the hours listed in subsection 22-37(c)(14).
- (8) Lawn and landscape maintenance equipment may be used within the Fifth Avenue south special overlay district and the Third Street commercial area special overlay district between the hours of 8:00 a.m. and 4:00 p.m.
- (9) Special event permit holders may use lawn and landscape maintenance equipment after the afternoon hours listed in subsection 22-37(c)(14) to clean up special event areas provided the cleanup is performed expeditiously and immediately after the event ends.
- (e) *Octave band levels.* In addition to the noise limitations listed in this section, for any source or sound that can be detected on a receiving property, when measured at the nearest point of the property line of the receiving property, the maximum allowable sound level limit for the individual octave bands must ~~shall~~ comply with Table 1. In no case will ~~shall~~ the noise level on the premises of any other occupied property measured at a point on the nearest adjacent property line closest to the noise source, or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, exceed the ambient noise level by more than five decibels.

Table 1

Octave Band Center Frequency (in Hertz.)	Residential Site or Unit*		Non-Residential Site or Unit*		Manufacturing, Industrial, or Agricultural Site or Unit*
	Day 7 a.m.—10 p.m.	Night 10 p.m.—7 a.m.	Day 7 a.m.—10 p.m.	Night 10 p.m.—7 a.m.	
31.5	69	64	74	69	79
63	69	64	74	69	79
125	66	61	71	66	76
250	62	57	67	62	72
500	58	53	63	58	68
1,000	53	48	58	53	63
2,000	49	44	54	49	59
4,000	46	41	51	46	56

Octave Band Center Frequency (in Hertz.)	Residential Site or Unit*		Non-Residential Site or Unit*		Manufacturing, Industrial, or Agricultural Site or Unit*
	Day 7 a.m.—10 p.m.	Night 10 p.m.—7 a.m.	Day 7 a.m.—10 p.m.	Night 10 p.m.—7 a.m.	
8,000	42	37	47	42	52
DBA	60	55	65	60	70

* These uses pertain to the receiving site.

- (f) *Enforcement and penalties.* A violation of this section is a non-criminal infraction, and the civil penalty is \$100.00 for the first offense and \$500.00 for each subsequent offense occurring within one year after a finding of violation of the previous offense or a plea of no contest. It is also enforceable and punishable as provided in subsections 1-15(b), (c), (d) and (e) of this Code. In addition, if a permit for live entertainment, a special event, or extended hours has been issued and the permit holder or person acting under the permit, violates this section, the permit is subject to revocation or non-renewal.

Section 2. That if any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same will not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

Section 3. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. This ordinance will take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THE 7TH DAY OF OCTOBER 2020.

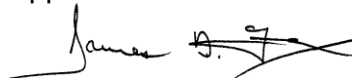
ADOPTED AT SECOND READING AND PUBLIC HEARING THIS 21ST DAY OF OCTOBER 2020.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Heitmann, Mayor

Approved as to form and legality:



James D. Fox, City Attorney

Date filed with City Clerk: _____