

ORDINANCE 3230-22

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING DIVISION 2 OF CHAPTER 62 AND ARTICLE I OF CHAPTER 82 OF THE WINTER PARK CODE OF ORDINANCES; REGULATING THE USE AND OPERATION OF LEAF BLOWING OR YARD CLEARING EQUIPMENT POWERED BY AN INTERNAL COMBUSTION ENGINE OR MOTOR DURING CERTAIN HOURS; REGULATING THE TRANSFER OF DIRT, LEAVES, AND OTHER DEBRIS TO OTHER CERTAIN LOCATIONS; PROVIDING FOR A PHASED ELIMINATION OF THE USE OF LEAF BLOWING AND YARD CLEARING EQUIPMENT POWERED BY INTERNAL COMBUSTION TECHNOLOGY; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Recitals

WHEREAS, the City of Winter Park finds that it is necessary to amend Chapter 62 "Offenses and Miscellaneous Provisions" and Chapter 82 "Solid Waste" of the City's Code of Ordinances ("Code"); and

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

WHEREAS, the City Commission finds that the use of leaf blowers that are powered by an internal combustion engine or motor to clear public and private property negatively impacts air quality, water quality, public health, and noise levels citywide; and

WHEREAS, after thorough consideration of various regulation options, the City Commission finds that it is in the best interests of the residents, property owners, and visitors of the City of Winter Park to initially further restrict the hours during when internal combustion powered leaf blowers may be operated, and that amendments to the Code of Ordinances are deemed necessary by the City Commission to further protect the health, safety, and general welfare of the citizens and visitors of the City of Winter Park; and

WHEREAS, the City Commission finds that advances in technology in leaf blowers can provide effective levels of performance using alternate means of energy, including electric power, that are quieter and less disruptive than internal combustion technology. These advancements in technology allow for similar performance with lower on-site emissions and noise production; and

WHEREAS, the City Commission finds that the average useful life of an internal combustion leaf blower ranges from 24 to 30 months and that allowing such leaf blowers to continue to be used for 30 months following the enactment of this ordinance provides sufficient time for operators of internal combustion powered leaf blowers to explore and develop alternative means of yard and debris clearing; and

WHEREAS, the City Commission further finds that the general use of leaf blowers and other yard clearing equipment, regardless of whether powered by internal combustion engines or other means, often results in leaves, dirt, and other debris being blown or otherwise transferred into public property or public rights of way, whereby such debris enters the City's stormwater systems and is transported to the watersheds of the City where such debris pollutes and accumulates in lakes and waterways, leading to deterioration of water quality; and

WHEREAS, the City Commission thus desires to adopt further prohibitions upon the transfer of leaves, dirt, and other debris into the public ways and stormwater systems of the City.

NOW, THEREFORE, it is hereby ordained by the City of Winter Park, Florida:

SECTION 1. Legislative Purposes, Findings and Intent. The foregoing recitals (whereas clauses) to this ordinance are hereby adopted as the legislative findings of the Winter Park City Commission and are incorporated into this ordinance as if set fully set forth herein.

SECTION 2. City Code Amendment. Sections 62-92 and 62-97 of the Winter Park Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and the omission of any sections or subsections means that such sections or subsections remain unchanged):

Sec. 62-92. – Definitions.

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

Illegal open house party means any gathering of three or more persons unrelated by blood or marriage in a residence or in or adjacent to a neighborhood zoned for residential uses at which underage consumption of alcohol or use of illegal or controlled substances occurs.

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.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities;
- (3) Endangers or injures personal or real property;
- (4) Is loud or raucous;
- (5) Causes actual or imminent interference with peace or good order; or
- (6) Exceeds any dBA limit established pursuant to this division 2.

Sec. 62-97. – Specific Prohibitions.

- (a) The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:

- (10) ~~Domestic power tools.~~ Creating a noise disturbance across a residential or commercial real property line by Operating or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. and 7:00 a.m. the following day. Regardless of the foregoing, it shall be a violation of this division to operate or permit the operation of a leaf blower that is powered by an internal combustion engine or motor between the hours of 6:00 pm and 7:00 a.m. the following day so as to create a noise disturbance across a residential or commercial real property line.
- (11) *Construction activities on weekends and holidays.* Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, construction appliance or machine, or construction materials or equipment delivery between 6:00 p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day,

July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.

- (12) ~~Domestic~~ Power tools on Sunday. Creating a noise disturbance across a residential or commercial real property line by ~~Operating~~ or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. on Saturday and 9:00 a.m. on Sunday ~~so as to create a noise disturbance across a residential or commercial real property line. Regardless of the foregoing, it is a violation of this division to operate or permit the operation of a leaf blower that is powered by an internal combustion engine or motor, between the hours of 6:00 pm on Saturday and 12:00 pm on Sunday so as to create a noise disturbance across a residential or commercial real property line.~~
- (13) *Illegal open house parties.* Allowing or acquiescing in an illegal open house party, whether directly or indirectly, whether actively or passively, as an owner, lessee, or occupant of a property.
- (14) *Phased elimination of certain leaf blowing or lawn clearing equipment.* Regardless of anything set forth in this section to the contrary, the use of a leaf blower that is powered by an internal combustion engine or motor, will be prohibited from use on any property within the City, with the exception of The Winter Park Municipal Golf Course, thirty (30) months following enactment of this subsection.

SECTION 3. City Code Amendment. Section 82-7 of the Winter Park Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and the omission of any sections or subsections means that such sections or subsections remain unchanged):

Sec. 82-7. – Prohibited acts.

- (a) It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:

- (13) To cause, allow, or otherwise permit leaves, dirt, or other debris to enter the storm drain system at any time.

- (14) To cause, allow, or otherwise permit the blowing or deposit of leaves, dirt, or other debris on any public property of public right of way unless removed within 30 minutes and disposed of in a sanitary manner.

SECTION 4. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of the remainder of this Ordinance.

SECTION 5. Codification. The provisions of sections 2 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the substance, construction, or meaning of this ordinance or the city's code of ordinances may be freely made.

SECTION 6. Conflicts. In the event of a conflict between this ordinance and any other ordinance or resolution of the city, this ordinance shall govern and control to the extent that any such conflict may exist.

SECTION 7. Effective Date. This Ordinance shall become effective upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of January, 2022.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk