

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: October 16, 2019

Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-152, ENTITLED "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," BY AMENDING THE HOURS PROHIBITING POWER TOOLS AND LANDSCAPING EQUIPMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends the Mayor and City Commission adopt the Ordinance.

HISTORY

A referral was originally made to the Neighborhood/Community Affairs Committee (NCAC) at the May 8, 2019 Commission Meeting to discuss the allowable hours on weekends and legal holidays for the use of power tools, maintenance equipment and leaf blowers.

The item was discussed at the June 19, 2019 meeting of the NCAC where the committee agreed that residential quality of life is important, and the noise generated by this type of equipment is at times similar to that of construction work in its noise level. As such, the committee directed Administration to amend Section 46-152(k) so that the allowable hours on weekends and legal holidays for the use of power tools and landscaping equipment shall match the hours allowed for construction on those days. The Committee requested an effective date of January 1, 2020 for this amendment to allow for public education and outreach to residents and commercial landscape companies.

At the July 31, 2019 Commission Meeting the item was discussed and adopted on First Reading with an amendment to modify morning hours to 10:00 a.m., on weekends and national holidays leaving the hours in the evening until 8:00 p.m. Additionally, the item was referred back to the NCAC to be discussed further prior to Second Reading scheduled for October 16, 2019. Specifically, items to be discussed include the impact on single-family homeowners and carving out language in the single-family home area on weekends so those residents can mow their own lawns.

At the September 25, 2019 NCAC meeting, the committee moved to amend the allowable hours for the use of power tools and landscaping equipment on weekends and national

holidays to match the allowable hours for construction including, for now, an exemption for single-family homes. The committee also requested a breakdown of the locations for the 11 complaints received in 2019 for leaf blowers to be included at Second Reading. No single-family homes were included in the 11 complaints received (see Attachment A).

CONCLUSION

The Administration recommends the Mayor and City Commission adopt the Ordinance on Second Reading.

HDC/TC/rfm

Attachments:

Attachment A: Leaf Blower Complaints in 2019
Ordinance