

MIAMI BEACH

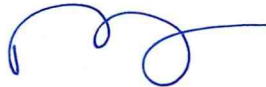
Rafael A. Paz, City Attorney

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

COMMISSION MEMORANDUM

TO: Mayor Steven Meiner and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: December 13, 2023

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE X, ENTITLED "USE OF GAS-POWERED LEAF BLOWERS," TO CREATE DEFINITIONS; ELIMINATE THE FINANCIAL HARDSHIP WAIVER; PROHIBIT THE USE OF GAS-POWERED CHAINSAWS WITHIN THE CITY OF MIAMI BEACH, PROVIDE FOR A TEMPORARY SUSPENSION FOR STORM AND HURRICANE CLEANUP, AND ESTABLISH ENFORCEMENT AND PENALTY PROVISIONS; AND FURTHER PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The attached Ordinance was prepared at the request of Commissioner Laura Dominguez for consideration at the December 13, 2023 City Commission meeting.

On June 22, 2022, the Mayor and City Commission adopted Ordinance No. 2022-4495, prohibiting the use of gas-powered leaf blowers within the City of Miami Beach for well-established environmental reasons and to mitigate excessive noise.

The Mayor and City Commission wish to extend the prohibition on the use of gas-powered leaf blowers by phasing out the use of gas-powered chainsaws for similar environmental reasons. Gas-powered chainsaws can produce a variety of pollutants that can be harmful to the environment, including carbon monoxide, hydrocarbons, and particulate matters. The City Commission also finds that a number of alternatives exist, such as portable or plug-in electric chainsaws; and

As with the 2022 Ordinance, the sponsor proposes to provide a reasonable phase-in period during which City staff can conduct outreach to inform and educate residents and landscape maintenance companies of the provisions of this Ordinance, and the availability of alternatives to gas-powered chainsaws.

In addition, in view of the phase-in period and the environmental and quality of life benefits associated with the prohibition of gas-powered landscaping tools, the Mayor and City Commission also desire to eliminate the financial hardship waiver provisions of the Ordinance, as very few waiver requests have been received and/or granted to date.

RAP/FA/ag