

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING ARTICLE II, "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED," OF CHAPTER 15 OF THE CODE OF ORDINANCES RELATING TO PERMITTED HOURS OF OPERATION FOR POWER TOOLS AND LANDSCAPING EQUIPMENT USED BY NON-COMMERCIAL ENTITIES AND COMMERCIAL ENTITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 15, Article II of the Village of Pinecrest ("Village") Code of Ordinances ("Code") protects the health, safety, and welfare of Village residents and visitors by prohibiting unnecessary and excessively loud noises within the Village; and

WHEREAS, commercial entities engaged in landscaping services by utilizing power tools and landscaping equipment exposes Village residents and visitors to excessively loud noises; and

WHEREAS, in order to reduce the exposure to unnecessary and excessively loud noises, the Village Council finds that it is necessary to restrict the use of power tools and landscaping equipment by commercial entities to specific hours and days; and

WHEREAS, the Village Council finds that it is necessary to clarify and distinguish the permissible hours of operation for power tools and landscaping equipment utilized by non-commercial entities due to the difference between commercial-grade and consumer-grade power tools and landscaping equipment; and

WHEREAS, the Village Council desires to amend Article II of Chapter 15 of the Village Code in order to restrict the permitted hours of operation for power tools and landscaping equipment used by commercial entities and non-commercial entities; and

WHEREAS, the Village Council finds it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt the Ordinance amending the Village's Code of Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:

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

Section 2. Village Code Amended. The Village Council of the Village of Pinecrest hereby amends Article II, "Noises; Unnecessary and Excessive Prohibited," of Chapter 15 of the Code of Ordinances as follows:¹

Chapter 15. Nuisances

* * *

ARTICLE II. – Noises; Unnecessary and Excessive Prohibited

Section 15-21.1. - Definitions.

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

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 indicated with yellow highlight and ~~double-strikethrough~~ or double underline.

Leaf blower means any device used, designed, 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. Such devices shall not produce a current of air by fuel.

Section 15-21.3. - Specific acts considered to be unreasonably loud and raucous noise. Any of the following acts are presumed to constitute unreasonably loud and raucous noise in violation of this Article. This enumeration does not constitute an exclusive list:

(5) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn-edgers, weed trimmers, leaf blowers, chippers, chain saws, power tools or other noise-producing tools by non-commercial entities outside of permitted hours, which are limited to the Permitted hours are between 7:00 a.m. 8:00 a.m. and 8:00 p.m., on Monday through Saturday, and between 12:00 p.m. ~~noon~~ and 4:00 p.m. on Sundays and state legal holidays.

(11) *Leaf blowers.* The use or operation of any leaf blower by non-commercial entities unless said machine has a stamp from the manufacturer or testing laboratory certifying a rating of no more than 65 dBA.

(12) *Use of power tools and landscaping equipment by commercial entities.*

(a) The operation of noise-producing lawn-mowers, lawn-edgers, weed trimmers, leaf blowers, chippers, power tools, or other noise producing tools by a commercial entity:

(i) On Monday through Thursday, between the hours of 5:00 p.m. and 8:00 a.m. the following day;

(ii) On Fridays between the hours of 5:00 p.m. and 9:00 a.m. the following day;

(iii) On Saturdays between the hours of 2:00 p.m. through 8:00 a.m. on Monday; and

(iv) On legal holidays.

(b) The use of power tools and landscaping equipment by Village staff or commercial entities engaged by the Village are exempt from the hours of operation restrictions under this subsection during emergencies.

Section 3. Severability. 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. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading. Following the adoption of this section, the Village Manager shall engage in public education efforts to inform the public of the provisions of this Ordinance and shall have the discretion to delay the start of enforcement of this Ordinance until October 1, 2022.

PASSED on first reading this __th day of _____, 2022.

PASSED AND ADOPTED on second reading this __th day _____, 2022.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney