

CITY OF SANIBEL

ORDINANCE 21-004

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 30 – ENVIRONMENT; AMENDING ARTICLE III – NOISE, SECTION 30-70, GAS POWERED LEAF BLOWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council desires to amend Section 30-70, Gas Powered Leaf Blowers, in furtherance of its efforts to appropriately regulate noise and air pollution within the City of Sanibel; and

WHEREAS, after thorough consideration and discussion of various regulation options, City Council finds it is in the best interests of the residents, property owners, and visitors of the City of Sanibel to prohibit the operation of gas powered leaf blowers after December 31, 2022, except during a state of local emergency related to a weather event; and

WHEREAS, these regulations are deemed necessary by the City Council to preserve the City's neighborhoods and quiet enjoyment of the environment within the City of Sanibel while also protecting the general welfare of residents, property owners, workers and visitors alike;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sanibel, Florida:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances Chapter 30 – ENVIRONMENT, Article III – NOISE, Sec. 30-70. – Gas Powered Leaf Blowers. is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Sec. 30-70. – Gas Powered Leaf Blowers.

Notwithstanding any contrary terms or provisions elsewhere in the code:

- (1) The operation of any gas powered leaf blowers within the city for any commercial purposes or by city employees or on behalf of the city is permissible only between the hours of 9:00 a.m. to 4:30 p.m., Monday through Saturday, except such gas powered leaf blowers are prohibited for use on the following federally recognized holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. Less a sole exception for tow-behind debris blowers operated on a golf

course, the use of any gas powered leaf blowers within the city for any purpose, whether for private, governmental or commercial purpose is prohibited for use after December 31, 2022.

- (2) The limitations and prohibitions in this section are inapplicable during times when the city has declared a local state of emergency related to a weather event.

SECTION 3. Codification. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the codification that all section numbers amended by this Ordinance are updated and corrected throughout the Code of Ordinances in the event such section numbers are referenced.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, the latter shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND ORDAINED by the Council of the City of Sanibel, Florida, this

24 day of August, 2021.

AUTHENTICATION:


Holly D. Smith, Mayor


Scotty Lynn Kelly, City Clerk

APPROVED AS TO FORM:


John D. Agnew, City Attorney

8/24/21
Date

First Reading: July 20, 2021
Publication Notice: August 13, 2021
Second Reading: August 24, 2021

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>

Date filed with City Clerk: August 24, 2021