

ORDINANCE 22-007

AN ORDINANCE PERTAINING TO CHAPTER 30, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING ARTICLE III, NOISE, SECTION 30-70, GAS-POWERED LEAF BLOWERS, BY AMENDING SUBSECTION (1) RELATING TO THE EFFECTIVE DATE OF THE PROHIBITION OF GAS-POWERED LEAF BLOWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 24, 2021, the City Council approved Ordinance 21-004 amending Section 30-70, Gas-Powered Leaf Blowers, 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, on September 12, 2022, Sanibel landscape contractors asked the City Council to extend the deadline because the lack of available battery-powered leaf blower equipment prevented them from complying with the December 31, 2022 gas-powered leaf blower prohibition; and

WHEREAS, at the direction of City Council, staff confirmed with manufacturing companies that the lithium batteries used in battery-powered leaf blower had supply chain shortages that could last for 6-months; and

WHEREAS, the City Council believes it is reasonable to grant a 6-month extension to the gas-powered leaf blower prohibition, from December 31, 2022 to June 30, 2023, to allow Sanibel residents, business owners, and landscape contractors to purchase battery-powered leaf blowers; and

WHEREAS, City Council continues to believe that the regulations approved in Ordinance 21-004 are necessary 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 COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. That Chapter 30, Article III, Section 30-70, is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~striketrough~~:

Chapter 30 - ENVIRONMENT

...

ARTICLE III. - NOISE

...

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 Ordinance 22-007 4:30p.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 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~~ June 30, 2023.

- (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 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 3. 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, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance. 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 5. Effective date. This Ordinance shall be effective immediately upon adoption.

APPROVED AT FIRST READING THE 1ST DAY OF NOVEMBER 2022.

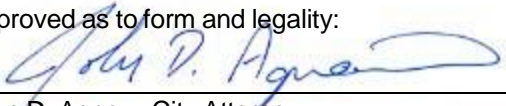
ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE 6TH DAY OF DECEMBER 2022.

Attest:

Scotty Lynn Kelly, City Clerk

Holly D. Smith, Mayor

Approved as to form and legality:



John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
Johnson _____
Crater _____
Henshaw _____
Miller _____

First Reading: November 1, 2022

Publication Date: _____

Second Reading: _____