

**ORDINANCE NO. 2017-6**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, “NOISE” OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF “FUEL” AND REVISING THE DEFINITION OF “LEAF BLOWER” IN SECTION 17-1, “DEFINITIONS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Key Biscayne (the “Village”) seeks to amend Chapter 17 “Noise” of the Village’s Code of Ordinances (“Code”); and

**WHEREAS**, the Village seeks to further enhance and protect the Village’s environment by prohibiting the use of fuel-powered leaf blowers that can emit pollutants within the Village; and

**WHEREAS**, small gas engines, such as those used in many leaf blowers, contribute ozone-damaging emissions to the environment and it is anticipated that ozone-contributing pollutants from small gas engines will exceed those same emissions from vehicles around 2020; and

**WHEREAS**, according to tests conducted by Edmunds’ InsideLine.com, an online resource for automotive enthusiasts, a consumer-grade leaf blower emits more pollutants than a 6,200-pound 2011 Ford F-150 SVT Raptor; and

**WHEREAS**, the Village Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Village’s residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**<sup>1</sup>

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

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlight.

**Section 2. Amending Chapter 17 of the Village Code.** That the Code of Key Biscayne, Florida is hereby amended by revising Section 17-1 “Definitions,” which section shall read as follows:

Section 17-1. Definitions

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Fuel. A material, such as coal, oil or gas, that is burned to produce heat or power.

\*\*\*

Leaf Blower. Any device used, designed or operated to produce a current of air by ~~fuel~~, 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.

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**Section 3. Severability.** That 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. Inclusion in Code.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 5. Effective Date.** That this Ordinance shall become effective 180 days after adoption on second reading.

PASSED on first reading this 13<sup>th</sup> day of June, 2017.

PASSED AND ADOPTED on second reading this 29th day of August, 2017.

  
MAYOR MAYRA PEÑA LINDSAY

ATTEST:

  
JENNIFER DUQUE, CMC  
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY



**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:**

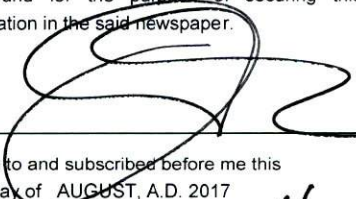
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

**PUBLIC NOTICE  
VILLAGE OF KEY BISCAYNE - MEETING - ORDINANCE -  
AMENDING CHAPTER 17, "NOISE" - AUG. 29, 2017**

in the XXXX Court,  
was published in said newspaper in the issues of

08/17/2017

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this  
17 day of AUGUST, A.D. 2017



(SEAL)

MARIA MESA personally known to me



**VILLAGE OF KEY BISCAYNE  
OFFICE OF THE VILLAGE CLERK  
PUBLIC NOTICE**

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, August 29, 2017 at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17, "NOISE" OF THE VILLAGE CODE OF ORDINANCES BY ADDING THE DEFINITION OF "FUEL" AND REVISING THE DEFINITION OF "LEAF BLOWER" IN SECTION 17-1, "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing and or presented in person at the public hearing.

Jennifer Duque, CMC  
Village Clerk

8/17

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