

ORDINANCE NO. 403

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING ARTICLE III OF CHAPTER 9 OF THE JUPITER ISLAND CODE OF ORDINANCES ENTITLED "NOISE"; PROVIDING FOR REGULATIONS PERTAINING TO LEAF BLOWERS OPERATING WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission desires to reduce noise pollution resulting from gas-powered leaf blowers; and,

WHEREAS, excessive sound is among the nuisances identified in Article III of the Town's Code of Ordinances (Code); and,

WHEREAS, the sound emitted from the operation of lawn maintenance equipment can constitute a nuisance; and,

WHEREAS, the sound created by gas-powered leaf blowers exceeds the permitted sound level limitations of the Code; and,

WHEREAS, the sound created by the operation of electric leaf blowers is substantially less than the sound created by the operation of gas-powered leaf blowers; and,

WHEREAS, the Town Commission finds that banning the use of gas-powered leaf blowers and the adoption of a requirement to use electric leaf blowers will minimize sound and the nuisance created by sound which exceed the sound standards of the Code; and,

WHEREAS, the Town commission finds that it is appropriate to establish a grace period wherein the Town will not enforce the provisions of the Code which bans the use of gas-powered leaf blowers and requires the use of electric leaf blowers on all residential properties and public lands of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, THAT:

Section 1: Chapter 9. Nuisances, Article III. Noise, Section 9-62 of the Code of Ordinances of the Town of Jupiter Island is hereby amended to read as follows:

ARTICLE III. - NOISE

Sec. 9-62. - Construction related activities; lawn maintenance activities.

(a) Definitions.

(1)"*Winter season*" means the period between November 1 and April 30.

(2)"*Summer season*" means the period between May 1 and October 31.

(3)"*Legal holidays*" means the following holidays: New Year's Day (January 1), Memorial Day (Last Monday in May), Independence Day (July 4), Labor Day (1st Monday in September), Thanksgiving Day (4th Thursday in November) and the Friday immediately following Thanksgiving Day, Christmas Day (December 25) and the day immediately following Christmas Day and when Christmas Day falls on a Saturday or Sunday, the Friday immediately preceding Christmas weekend and the Monday following Christmas weekend.

(4)"*Lawn maintenance equipment*" means motorized or powered equipment which is used to maintain lawns, trees, and landscaping, including but not limited to lawn mowers/yard tractors, chainsaws, lawn aerators, sod cutters, edgers, stump grinders, hedge trimmers, leaf blowers, lawn vacuum machines and monofilament line grass trimmers.

(5) "Leaf blowers" means any air blowing machine powered by gas or electricity to create a concentrated stream of air to push, or blow dirt, dust, leaves, grass clippings, trimmings, or debris.

(b) Use of restricted equipment.

(1) Applicability. Use of the following "restricted equipment" or engagement in the following activities during construction is restricted as provided in this section:

- a. Compressors, gas- or diesel-engine driven for operating jack hammers, riveting or drilling devices.
- b. Cranes of all weights and types and other related construction equipment such as, but not limited to, concrete pumps, pile driving, excavation and demolition.
- c. Dredges, of all types.
- d. Dry sandblasting machines and jackhammers.

e. Gasoline, diesel and/or steam engines that are operated in such a manner as to: 1. Emit offensive odors which are materially perceptible from any property line; or, 2. Produce noise in excess of 60 decibels (dbs), measured at any property line.

f. Hammer-driven piledrivers, of all types.

g. Hammers, of all types, when used for metal-to-metal work that is not hammer-to-nail.

h. Power saws, band, cut-off and table, unless housed in a "dried-in" structure.

i. Radio, audio equipment or loudspeakers used in a manner that produces noise which is unreasonably loud.

j. Tractors, over two tons, which are rigged for earth moving or land clearing operations.

k. Any construction equipment, device or activity, which though otherwise permitted, produces noise in excess of 72 decibels (dbs), measured:

1. Fifty feet from the construction activity, or,

2. From the property line nearest to where the construction activity is taking place, whichever is greater.

(2) Restrictions. The use of "restricted equipment" is restricted as follows:

a. Use of restricted equipment is prohibited during the winter season.

b. Use of restricted equipment during the summer season is permitted only during the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday.

c. Use of restricted equipment is prohibited on legal holidays.

(3) Exceptions. The following are exempt from the restrictions of this section:

a. Operation of restricted equipment relating to essential services of the Town;

b. Operation of restricted equipment to protect the public health, safety, and welfare during emergency conditions; and

c. Operation of restricted equipment for repairs, improvements or landscape work on permitted projects for a period of less than one week upon prior

written approval of the Town 's building official. A written request defining the specific nature of the work, its duration and the equipment involved shall be submitted to the Town's building official at least five working days prior to commencement of the work.

The building official may approve such work only upon being assured that the proposed use of equipment will not exceed established noise level restrictions nor excessively impact the inhabitants of adjoining properties and public roadways. The building official may establish terms and conditions relating to the work, if approved.

(c) Working hours for construction.

(1) During the winter season, construction work is restricted to the following hours: a.8:30 a.m. to 5:30 p.m., Monday through Friday; and, b.8:30 a.m. to 1:00 p.m. on Saturday.

(2) During the summer season, construction work is restricted to the following hours:

- a. 7:30 a.m. to 6:00 p.m., Monday through Friday; and,
- b. 8:30 a.m. to 5:00 p.m. on Saturday, upon prior written approval of the administrative official, which shall be granted if the applicant demonstrates that the construction work will not excessively impact inhabitants of adjoining properties.

(3) Construction work is prohibited on legal holidays.

(d) Working hours for lawn maintenance.

(1) During the winter season. operation of lawn maintenance equipment is restricted to the hours of 8:30 a.m. to 5:30 p.m., Monday through Friday, and from 8:30 a.m. to 1:00 p.m. on Saturday.

(2) During the summer season, operation of lawn maintenance equipment is restricted to the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday, and from 8:30 a.m. to 5:00 p.m. on Saturday.

(3) Operation of lawn maintenance equipment is prohibited on legal holidays.

(e) Use of leaf blowers on residential properties and Town-owned public lands.

(1) Effective November 1, 2025, the use of gas-powered leaf blowers is prohibited on properties zoned for residential and public lands uses according to the Town's Zoning Map.

(2) Continued use of gas-powered leaf blowers may be permitted on properties zoned for recreation and conservation uses according to the Town's current Zoning Map and only in accordance with the noise and sound requirements of this section.

(3) Continued use of gas-powered leaf blowers is also permitted for use by the Town to clear roads, parking lots, and other paved surfaces within the Town.

~~(f)-(e)~~ [Decibel levels.] The sound produced by lawn maintenance equipment shall not exceed 69 decibels (dbs), measured:

(1) Fifty feet from the point of operation of the equipment, or

(2) From the nearest property line to where the equipment is operated, whichever is greater.

(3) Leaf blowers, backpack sprayers and hand-held blowers shall be limited to a maximum decibel level that shall not exceed 65 (dbs) at a distance of 30 feet from the point of operation of the equipment or from the nearest property line to where the equipment is operated, whichever is greater. ~~This section relating to leaf blowers shall become effective October 1, 2007.~~

~~(g)(f)~~ Maintenance of construction sites. It is the responsibility of the person, firm or corporation indicated on the development permit to maintain the site in a neat and orderly manner, including broom-cleaning the site each day, and preventing unsightly piles of trash and debris from gathering during the course of construction.

~~(h)(g)~~ Avoidance of nuisance. When land has been cleared pursuant to a land clearing permit, the permittee shall either resod or replant the cleared area or periodically sprinkle the area ground to prevent windblown dust or dirt from creating a nuisance to other properties.

~~(i)(h)~~ [Violations.] Each separate violation and each day of a continuing violation shall be considered a separate offense.

~~(j)(i)~~ [Shutdown order.] In case of three or more violations of section 9-62(b) or (c) (Use of restricted equipment, Working hours for construction) the administrative official shall order the project to be shut down for the remainder of the winter season. If a shutdown order is issued, the site must be rendered safe and secure to the satisfaction of the administrative official within five working days.

Section 2. Repeal of Ordinances in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling

or finding shall not affect the remaining portions of this ordinance, which shall remain in full force and effect.

Section 4. Codification. This ordinance may be codified and made a part of the official Code of Ordinances of the Town of Jupiter Island.

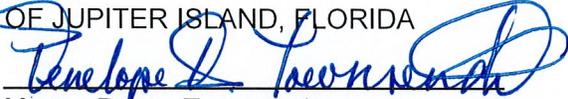
Section 5. Effective Date. This ordinance shall become effective immediately upon execution.

ORDINANCE NO. 403 PASSED UPON FIRST READING THE 21st DAY OF MARCH, 2025.

PASSED AND ADOPTED UPON THE SECOND READING FOLLOWING PUBLIC HEARING THE 16th DAY OF APRIL, 2025.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA



Mayor, Penny Townsend



Vice Mayor, Anne Scott



Commissioner, Marshall Field, VI

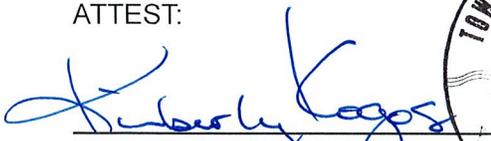


Commissioner, Patricia Warner



Commissioner, Joe Taddeo

ATTEST:



Town Clerk, Kimberly Kogos

