

TOWN OF PALM BEACH

Office of The Town Clerk

ORDINANCES, RULES AND STANDARDS COMMITTEE REPORT MEETING OF AUGUST 5, 2004 REGARDING NOISE STANDARDS AND ENFORCEMENT ISSUES

I. CALL TO ORDER AND ROLL CALL

Ordinance, Rules and Standards Committee Chairperson Jack McDonald called the meeting to order at 10:00 a.m., August 5, 2004, in the Town Council Chambers. On roll call Chairman Jack McDonald and Committee Member Samuel C. McLendon were found to be present. Also in attendance were Town Councilman William Brooks, Attorney Rhoda Yen (filling in for Town Attorney John Randolph), Town Manager Peter Elwell, Assistant to the Town Manager Sarah Hannah, Director of Planning, Zoning & Building Robert Moore, Assistant Director of Planning, Zoning & Building Veronica Close, Assistant Building Official Harry Ackerman, Chief Code Compliance Officer Rob Walton, Public Works Director Paul Brazil, Police Chief Michael Reiter, and Deputy Town Clerk Susan Eichhorn.

II. APPROVAL OF AGENDA

The Agenda was approved through motion of Chairman McDonald, seconded by Committee Member McLendon.

III. REVIEW OF NOISE STANDARDS AND ENFORCEMENT ISSUES. [Robert L. Moore, Director of Planning, Zoning and Building]

Director of Planning, Zoning and Building, Robert Moore advised that staff had reviewed the issue of enforcement of noise standards and whether certain lawn equipment should be considered noisy and disturbing. He recalled that the issue had been referred to the Ordinances,

ORS Comm Mtg
8-5-04

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Rules and Standards Committee for review. He noted that the Palm Beach Civic Association had participated in studying the issue of leaf blower noise. He referred to the report (prepared by Isabel Furlaud and Brian McIver), which had been submitted to Town staff by the Palm Beach Civic Association.

Chairperson McDonald requested that the letter and accompanying report from the Palm Beach Civic Association, dated July 23, 2004, be distributed to the landscape professionals in attendance in the audience.

A Status Report on work with Restaurants and Nightclubs to Reduce Noise

Mr. Moore reported that staff had addressed noise problems related to restaurants and nightclubs in the past; in addition, staff had been requested to review how improvements might be made in these situations and staff would be prepared to discuss the issue further at a later date. He noted that as zoning issues were reviewed prior to the issuance of building permits, discussion took place with the applicant regarding addressing noise issues, and the use of noise engineers in constructing the interior spaces using more noise absorbent materials. He explained that when reviewing applications, the Town Council always considered how any proposal would impact the neighborhood. He noted that there was no regulation regarding music, except if it disturbed the public outside of the restaurant, and that noise inside of the restaurant was controlled on a voluntary basis. Potential acoustical modifications that staff had considered for the inside were:

- ▶ Elimination of background music, or control it for an acceptable volume
- ▶ Installation of foam insulation behind the drywall
- ▶ R15 insulation between party walls, and R19 on exterior walls
- ▶ R21 insulation on ceiling joists
- ▶ Use of drop ceiling and use of fire-rated fabric whenever possible
- ▶ Use of impact windows that reduce and absorb noise
- ▶ Use of acoustical tiles on interior surfaces
- ▶ Use of soft or transparent wall surfaces
- ▶ Use of light weight floating floor spring hung ceiling systems
- ▶ Add padding to chairs and tables to deaden sound

Mr. Moore noted that staff had not found any other jurisdictions that had ordinances that could control interior noise.

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Town Manager Elwell added that research had indicated that there were not interior noise regulations in other jurisdictions, and the Town Council had discussed the matter and agreed that it would be best to move forward with an educational effort. He explained that further research could be done to respond to Mr. McLendon's question as to whether interior noise regulations could be put into place, however, there was a question of how to do that well and how to have it hold up. He recalled that the majority of the Town Council had considered that it would be best to proceed at this time with the education program, rather than regulation.

In response to Mr. McDonald, Mr. Moore explained that when the Town Council considered applications for special exceptions, the matter of noise and how it would affect the public was examined; interior noise could be included in the discussion.

Chairperson McDonald requested any public comment.

There was none.

The Committee recommended that the Building Department continue the informal discussions/negotiations with every application for a restaurant, and that the Town Council would more closely scrutinize the special exception requirements in considering noise reduction.

- B. Review of Staff Recommended Prohibition of Gas-Powered Leaf blowers Which Exceed the Allowable Decibel Level After July 1, 2006
- C. Review of Staff Recommended Prohibition of all Leaf Blowers, Regardless of Type Between the Hours of 5:00 p.m. and 9:00 a.m.

Mr. Moore reported that staff recommended that gas-powered leaf blowers not be allowed after 5:00 p.m. until 9:00 a.m. He explained that originally staff had recommended prohibition of ANY type of leaf blower during those hours, however, it was a debatable issue since the battery pack electric, or cord operated leaf blowers were not as offensive. He explained that Chief Code Compliance Officer Rob Walton had tested Town equipment to determine if there was compliance with established noise levels. He noted that approximately 120 landscapers that operate within the Town had been noticed of today's meeting.

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Town Manger Elwell commented that he had received a memorandum from the Public Works Department indicating that five pieces of equipment had been measured for decibel readings at the 25' level. The results indicated in that memorandum were: 67dBA, 75dBA, 75dBA, 76dBA, and 77dBA.

Mr. Walton replied that equipment had been tested at two distance levels, 25' and 75'.

Public Works Director Paul Brazil commented that five pieces of equipment had been tested: lawn mower: 67dBA; hedge clipper: 75dBA; echo blower: 75cBA; weed eater: 76 dBA; stick edger: 77cBA. He estimated that the Town equipment constituted approximately seven weed eaters, and six lawn mowers of various sizes and configurations. He estimated that the useful life of mowers was three to ten years, depending on the size. He indicated that he would provide a listing of pieces of equipment that did not meet the noise standards, as well as their useful life.

Landscaper Scott Lewis commented that noise level regulations should be applied fairly across the board, not just to landscapers. He noted that adherence to further regulation would involve additional costs to the residents of Palm Beach. He suggested that the Police Department be given authority to issue tickets to those operating loud machinery before 9:00 a.m. during the season, considering that enforcement would reduce the number of complaints. He also suggested that the volume of yard trash quadrupled during the summer months, and narrowing the hours of work for landscapers during the summer months may be a problem. He also agreed with the necessity for a phase-in period of time to allow landscapers to comply with new regulations.

Mr. McLendon expressed concern with damage to the drainage system that may be caused by landscaping cuttings that would clog the drainage system, and requested information on vacuum units rather than blower units.

Mr. Lewis replied that vacuum units were more costly, and often made more noise than the blowers; since the debris in the vacuum unit would be deposited into a yard trash pile, just as the blower debris; he did not see that the concern with the drainage would be addressed with the use of vacuum units. He noted that electric blowers presented a higher safety risk, and were not nearly as efficient. He also noted that the industry engineers for leaf blowers were committed to reacting to the noise problem.

In response to Mr. McDonald, Mr. Lewis explained that blowing the cuttings into the yard, rather than into the street was a matter of educating the landscape personnel regarding the issue.

Mr. Mitchell Taylor, landscaper, commented that the trash should not be blown into the

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street. He explained that his employees were directed to blow all trash coming from the yard into the trash pile, however, sometimes that required blowing off other debris on the street itself. He stated that he did not agree with the elimination of leaf blowers, requiring the use of a hose or a broom in lieu of the leaf blowers, since that would increase costs to the residents. He agreed that the phasing in of equipment with lower noise levels was acceptable.

Mr. Patrick Bilt, landscaper, commented that he agreed with the statements of Mr. Lewis. He explained that his employees arrived before 9:00 a.m. during the summer months, however, they did not operate equipment before 9:00 a.m.

Mr. Moore commented the Police Department currently reacts to noise problems, and generally there was compliance in those instances.

Police Chief Michael Reiter advised that the Police Department absolutely did enforce Town ordinances against noise. He explained that Code Compliance Officers were on duty only a limited amount of time, and the Police Department was present every day, every minute. He explained that warnings and citations were issued in cases of noise regulation violations. He pointed out that there were hundreds of landscapers working in the Town, and there were a limited number of law enforcement officers.

Mr. Lewis suggested that noise regulations for landscapers should match the noise regulations for contractors.

The Committee recommended that all landscaping companies operating in the Town of Palm Beach use leaf blowers that did not exceed 75 decibels, with an equipment phase-in period of two years (to July 2006). It was also recommended that the operation of gas-powered leaf blowers would be prohibited between the hours of 5:00 p.m. and 9:00 a.m.

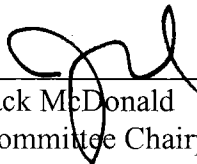
IV. ANY OTHER MATTERS

There were none.

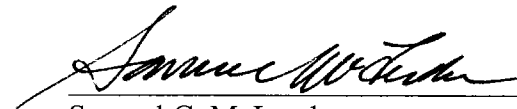
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V. ADJOURNMENT

The meeting of the Ordinances, Rules and Standards Committee of August 5, 2004, was adjourned at 10:55 a.m.



Jack McDonald
Committee Chairperson



Samuel C. McLendon
Committee Member