

NOTE: There is a three-minute time limit on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; please fill it in and return it to her prior to the start of the meeting if you would like to speak during public comment. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager at the start of the meeting. Thank you.

TOWN OF BAY HARBOR ISLANDS

SPECIAL COUNCIL MEETING AGENDA

June 23, 2021

SPECIAL NOTICE – HYBRID MEETING

The Town of Bay Harbor Islands Special Council Meeting will take place in a Hybrid format where a quorum of the Town Council will be physically present at the Town Hall Council Chambers. Members of the public are welcome to participate in person or virtually via the Zoom platform.

Zoom Link: <https://zoom.us/j/93276747395>

Meeting ID: 932 7674 7395

To request to speak during Zoom Public Comment, please utilize the “raise your hand” Zoom feature on your electronic device. You will be recognized at the direction of the Zoom Meeting Host.

Members of the Public may also be admitted to the Council Chambers in person, for Public Comment, subject to social distancing and facial covering.

In addition, any member of the public who does not wish, or is unable to participate through the Zoom video conferencing platform, but would still like to participate can do so by listening to the meeting as it happens by dialing the Toll-free number below:

US Toll Free Number: 877 853 5247 or 888 788 0099

For higher quality, dial a number based on your current location.

US: 1 646 558 8656 or 1 301 715 8592 or 1 312 626 6799

Meeting ID: 932 7674 7395

Participant ID: Press the # key

To request to speak: Dial *9 on your telephone device to activate the “Raise your Hand” feature on the zoom platform.

Members of the Public can also submit their request to speak and/or comments via e-mail to the Office of the Town Clerk at achang@bayharborislands-fl.gov

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. **Consideration and Approval** of an ordinance on **second** reading requested by Council Member Bruder amending Chapter 12 of the Town Code to modify the decibel noise limits allowed in the Town. Enclosed is a copy of the proposed ordinance and staff report prepared by Town Planner Michael Miller.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AS RELATED TO NOISE AND MAXIMUM DECIBEL ALLOWANCES; AMENDING ARTICLE II OF CHAPTER 12 OF THE CODE TO MODIFY THE DECIBEL NOISE LIMITS ALLOWED IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Council Discretion

POLL VOTE

2. **Consideration and Approval** of an ordinance on **second** reading approving Budget Amendment No. 2 for the 2020/2021 Fiscal Year. Enclosed is a copy of the proposed ordinance and other supporting documents.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF RECOMMENDATION: Approval

POLL VOTE

3. **Consideration and Approval** of a Resolution requested by Council Member Leonard in support of the AFL-CIO's Federal Legislation – The Protecting the Right to Organize Act. Enclosed is a copy of the proposed resolution and other supporting documents.

STAFF RECOMMENDATION: Council Discretion

ADJOURNMENT: Approximately 7:05 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AGENDA ITEM REPORT

June 23, 2021

ITEM NUMBER: 1.

ITEM: Consideration and Approval of an ordinance on **second** reading requested by Council Member Bruder amending Chapter 12 of the Town Code to modify the decibel noise limits allowed in the Town. Enclosed is a copy of the proposed ordinance and staff report prepared by Town Planner Michael Miller.

DESCRIPTION:

The proposed ordinance on second reading is being sponsored by Council Member Bruder to address the noise levels of emergency generators. The language of the ordinance addresses the emergency power generators exemptions as it relates to the periodic maintenance cycle runs.

Enclosed is a copy of the proposed ordinance and staff report prepared by Town Planner Michael Miller.

PREVIOUS MEETING VOTE:

COUNCIL VOTE			
NAME	FOR	AGAINST	ABSTAINED
Mayor J. Fuller	x		
Vice Mayor E. Tricoche	x		
Council Member S. Bruder	x		
Council Member M. Diallo	x		
Council Member J. Leonard	x		
Council Member I. Salver	x		
Council Member Robert Yaffe	x		

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Alba L. Chang, Town Clerk
Stephanie Bruder, Council Member

ATTACHMENTS

1. Draft Noise Ord June 14 2021
2. BHI TC Staff Report EPG Noise Code Rev May 20 2021
3. BHI EPG Code Rev Backup Docs May 2021
4. BHI EPG Noise Code Rev Picture May 2021

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES AS RELATED TO NOISE AND MAXIMUM DECIBEL ALLOWANCES; AMENDING ARTICLE II OF CHAPTER 12 OF THE CODE TO MODIFY THE DECIBEL NOISE LIMITS ALLOWED IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies various land development trends and issues, and if felt to be appropriate amends the Town's Land Development and Code Regulations accordingly; and

WHEREAS, the Town Council has examined the current Nuisance Code provisions of the Town and find that certain modifications are necessary and desirable to address the requests of Town residents, by modifying allowed decibel limits permitted in the Town for emergency power generators during disasters, routine maintenance, and installation; and

WHEREAS, the Town previously retained the services of a respected acoustical expert to assist the Town in the analysis of reasonable noise regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Nuisance Code Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1: That the Town of Bay Harbor Islands Nuisance Code is hereby amended to modify Chapter 12 to modify the decibel limits for emergency power generators during disasters, routine maintenance, and installation, as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 2: That any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 3: That it is the intention of the Town Council of the Town of Bay Harbor Islands, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

PASSED on First Reading this ____ day of _____, 2021.

PASSED on Second Reading this ____ day of _____, 2021.

JOSHUA D. FULLER
Mayor

ATTEST:

ALBA L. CHANG
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JOSEPH S. GELLER, ESQ.
Town Attorney

EXHIBIT “A”

The Town of Bay Harbor Islands, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 12

NUISANCES

ARTICLE II. NOISE

Sec. 12-20. - Purpose.

The purpose and intent of this article is to control and restrict noises that may cause hardship or offense to residents or disrupt their right to the quiet enjoyment of their property.

Sec. 12-21. – Definitions.

Appliance means any air conditioner, pool pump, clothes washer, **or** clothes dryer, **or** **generator** in service within the town prior to the effective date of this section.

Commercial landscaping means the cutting or trimming of grass, trees, shrubs or other foliage by a business entity or individual other than the owner or resident of the property for a fee.

Construction activity means any activity associated with the construction, renovation, repair alteration or demolition of any building, structure or any part thereof.

Noise means any audible sound emanating from any source.

Noise disturbance means any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, or which unnecessarily interferes with the enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities. Noises measured at an A-weighted equivalent sound level (Leq) in excess of 65 decibels between the hours of 9:00 a.m. and 10:00 p.m. (daytime decibel levels) or in excess of 60 decibels between the hours of 10:00 p.m. and 9:00 a.m. (nighttime decibel levels), taken with a calibrated sound level meter at the location of the dwelling unit or premises of the complaining party shall be considered prima facie evidence of a violation of this article. If there is no complaining party, the measurement shall be taken at approximately 100 feet from the property from which the noise is emanating.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and A-weighted sound level network with fast and slow integrating time constants used to measure sound pressure levels. The sound level meter shall be capable of measuring the A-weighted equivalent sound level (Leq) and maximum sound level. The period of time over which sound levels are measured shall reflect the nature of the sound.

Sec. 12-22. - Prohibited acts generally.

The following acts and the causing or permitting thereof, are presumed to be in violation of this article.

- (1) Operating or playing any radio, television, phonograph, drum, musical instrument or other machine or device for the production, reproduction or amplification of sound which creates a noise disturbance.
- (2) Owning, possessing or harboring any animal or bird which frequently or for a continued duration howls, barks or makes other noises which create a noise disturbance.
- (3) Operating or causing the operation of any tools or equipment used in construction activity and landscaping outside the hours specified in [section 12-26](#) without first receiving a permit from the town manager pursuant to [section 12-25](#).
- (4) Using or firing explosives, firecrackers, firearms, sirens or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like if prior permission is not obtained from the town manager.

Sec. 12-23. - Exceptions.

The terms and prohibitions of this article shall not be applied to or enforced against:

- (1) Any motor vehicle, motorboat or other vehicle of the town, the county, the state or licensed public utility vehicle within the town while engaged in necessary public business.
- (2) The use of electric emergency power generators during a state of emergency as declared by the state, county or town; during periodic emergency power generator maintenance cycle runs in accordance with the provisions set forth in Sec.5-19.3; or during the time of installation or repairs to meet Florida Building Code (FBC) or Fire Code operational testing period and sign-off. In no event shall the sound rating value of an emergency power generator exceed 75 decibels during normal periodic maintenance cycle runs for all land uses. This noise limitation shall not apply at construction sites or during initial installation testing required by the NFPA, provided the days and time of operation set forth herein and in Sec. 5-19.3 are complied with. The use of noise / sound attenuation methods, including but not limited to, mufflers, acoustic sound barriers and construction methods, fences and walls shall be required to achieve compliance.
- (3) Noise generated for the purpose of alerting someone to an emergency or in the performance of emergency work.

Sec. 12-24. - Appliance replacement.

Appliances emitting noises that constitute a noise disturbance must be made to comply with the provisions of the chapter or must be removed from service in accordance with the following schedule:

- (1) Appliances emitting noises with a decibel level exceeding the permissible level (65 decibels) by ten or more decibels must be removed from service within one year from the date on which this ordinance [chapter] is adopted.

Sec. 12-25. - Permits.

- (1) *Authorized.* Upon written application to the town manager or his designee submitted a minimum of seven days prior to the event or project at which noise levels are expected to reach the level of a noise disturbance, a permit may be granted exempting an individual from the prohibitions or hour restrictions contained in this article, subject to such conditions as the town manager may impose. The decision of the town manager shall be final and not subject to appeal, except by writ of certiorari in accordance with law.
- (2) *Application.* The application for a permit under this section shall contain the following information:
 - (a) The name, date of birth, address and telephone number of the person who will be in charge of the activity or event for which a permit is requested (the "supervisor");
 - (b) The name of the person, company or organization seeking the permit;
 - (c) The exact dates and times for which the permit is sought;
 - (d) The exact location of the activity or event for which a permit is requested;
 - (e) A description of the activity or event for which a permit is requested.
- (2) *Administrative procedures.* The town manager is hereby authorized to promulgate reasonable rules and procedures for application for, issuance and revocation of such permits. These rules and procedures shall serve to implement the intent and purpose of this article so that necessary and beneficial activities may occur while providing for protection of the public.
- (3) *Supervisor to be present at event.* The supervisor of the activity or event for which the permit is sought must remain at the location of the activity or event during the entire time stated in the permit.

Sec. 12-26. - Permissible hours for construction activity and landscaping.

- (1) The performance of construction activity and landscaping within the town shall be allowed pursuant to the following schedule:
 - (a) *Construction activity.* Construction activity is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. No construction activity is permitted on Saturdays or Sundays, except for watering in connection with dust mitigation.
 - (b) *Interior repair and maintenance activity.* Repair and maintenance activity inside a dwelling is permitted from 9:00 a.m. until 6:00 p.m. Monday through Friday. Repair and maintenance activity inside a dwelling is permitted on Saturdays between the hours of 10:00 a.m. and 5:00 p.m., provided that the activity does not result in audible noise outside the dwelling.
 - (c) *Landscaping activity.* Landscaping activity is permitted from 9:00 a.m. until 6:00 p.m. Monday to Friday. On Saturdays, landscaping activity is permitted between the hours of 10:00 a.m. and 5:00 p.m., but only by owners and tenants. There shall be no use of leaf blowers on Saturdays. No commercial landscapers are permitted to perform work in the town on Saturdays.
 - (d) *Town projects.* Town projects are permitted from 8:00 a.m. until 6:00 p.m. Monday to Friday. Weekends and night-time hours shall be allowed at the discretion of the town manager, in the public's best interest to finish roadway and right of way projects expeditiously to minimize traffic impact and long-term inconvenience to residents and visitors of the town.
- (2) Except for watering as provided for in subsection (1)(a) above, no construction, repair, maintenance, or landscaping activity is permitted on Sundays or legal holidays, and the same is hereby specifically prohibited. For purposes of this section, the term "legal holidays" is defined as any day observed by the town as a legal holiday.
- (3) Notwithstanding the 9:00 a.m. start time provided for in Sections 1(a) and 1(b) above, projects that have submitted applications for new construction and foundation permits as of June 8, 2015 shall be permitted to perform construction activities from 8:00 a.m. until 6:00 p.m. Monday through Friday so long as all new construction and foundation permit(s) remain in full force and effect, except for construction activity located within 375 feet of Ruth K. Broad K-8 that shall commence no earlier than 9:00 a.m. Monday through Friday.

Sec. 12-27. - Penalties.

The following fines and penalties shall be imposed on violators of this article:

- (a) For the first violation, the violator shall receive a notice of violation imposing a fine of \$250.00.

- (b) For any subsequent violation, the violator shall receive a notice of violation imposing a fine of \$500.00.

Sec. 12-28. - Granting exceptions.

Whenever and wherever it shall appear to the satisfaction of the town manager that work on buildings within said town is of such a nature that the same cannot be stopped immediately within the time specified herein without substantial loss and damage to the contractor or the owner of said property, then, and only then, the town manager is hereby authorized in his discretion to except said work from the provisions of hereinabove only until the time necessary to complete such emergency work, or to relieve such undue hardship.

**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Councilmembers
Town of Bay Harbor Islands

CC: Maria Lasday, Town Manager
Joseph S. Geller, Esq., Town Attorney

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: May 20th, 2021

Subject: Town of Bay Harbor Islands
Proposed Land Development Code Amendment
Noises – Revisions for Emergency Power Generators (EPG)
Maximum Decibel Allowances
MMPA Acct. No. 01-0702-0500

ISSUE:

At the last TC meeting Councilmember Bruder asked about possible changes to the Town Code concerning Emergency Power Generators (EPG) noise levels. The Town has an existing Nuisance / Noise Code (Chapter 12) and regulations for EPG in the Zoning Code (Chapter 23). Both address EPG from a locational setback / screening standpoint as well as noise regulations. Commonly in single-family areas when owners seek to install an EPG there are occasional issues meeting the noise limits with some of the available EPG products and later with required periodic maintenance testing. Likewise, some of the new multifamily complexes that have much larger EPG and/or older complexes are adding them (but there is no room & screening & noise issues). The Town Code currently has one dBA limit for all sounds (65). In 2015 when the last Code update was done the Town retained a noted expert (Seibein Associates) that prepared a detailed noise study of the Town and recommended Code language / decibel limits. There is an exception for EPG noise during disasters – and a few others. But there nothing in the Code for installation testing (Bldg. & Fire) and periodic maintenance operation.

Some of the EPG manufacturers noise emissions (smaller single-family sizes) have slightly higher noise levels than the Town allows (67 - 72+/- dBA) and larger commercial units can be much higher. Typically, larger commercial installations occur in an interior mechanical room, placed on a roof, and/or are placed in other sound quieting enclosures (visual screening / noise). For single-family installations, the EPG are typically outdoors but elevated to meet BFE, so landscaping cannot screen them. Often those EPG are very visible at 8'-10' above grade. The Town Code requires fences / walls for screening and noise abatement.

Town of Bay Harbor Islands
Town Council Staff Report
Proposed Land Development Code Amendment
Noises – Revisions for Emergency Power Generators (EPG)
May 20th, 2021
Page 2

Following are common facts / information about EPG from our research and industry standards:

- 1) It is true that manufacturers typically state the decibel readings at 23 feet away from the EPG unit. No one I talked to knows why.
- 2) In a recent field test in the City of Pine Crest measured at 3 feet from the side of the EPG, the meter reading was about 60 decibels. At the back of the EPG where the exhaust was located the reading was 74 decibels. At the front of the EPG, it was about 71 decibels (Guardian EPG). Of course these readings would not apply to small temporary EPG after storm events; only large permanently installed units.
- 3) A Pre-cast slab was highly recommended in lieu of a poured slab.
- 4) A typical 40kw EPG that can power an entire house emits between 65-75 decibels measured about 3-5 feet from the units on the side of the unit when the unit is running at 100% load.
- 5) All newer EPG have advanced muffler systems that emit the noise and exhaust downward to the ground and either face to the front or rear of the unit (not the side). This significantly reduces noise and exhaust emissions.
- 6) 8 out of every 10 installations include an underground Propane Gas tank of 250-500 gallons. However, in the Town there is existing underground gas service.
- 7) In almost all instances the EPG are placed within side yards near the meter boxes and screened with fences or walls and supplemental landscape materials. Because EPG / other mechanical equipment must now be elevated to meet BFE (5'-6' above the ground), landscaping shrubs (usually 3'-4' tall) do not screen even the stand, let alone the mechanical equipment. Landscaping does not limit noise emissions at all. That is why the Town's Code and most other municipal Codes were modified several years ago when the Bldg. Codes changed to elevate all mechanical equipment.
- 8) During a typical weekly test cycle a typical EPG emits about 58-60 decibels as the unit is in a scaled back test mode.
- 9) The NFPA Fire Code (4.1.1) requires the source of emission to be not less than 5 feet from a habitable space opening (window / door but not a garage unless it is air-conditioned). The Florida Building Code tends to require a 10-foot separation.
- 10) The energy source must be located not less than 10 feet from the ignition switch (not the EPG in total).

**Town of Bay Harbor Islands
Town Council Staff Report
Proposed Land Development Code Amendment
Noises – Revisions for Emergency Power Generators (EPG)
May 20th, 2021
Page 2**

SUMMARY

As requested MMPA researched the matter and prepared a draft Ordinance with suggested text modifications. We researched some industry standards and a few comparable local municipal Codes. Most other Codes are similar - but we noted some differences in dBA / other criteria. In all cases either EPG are exempt from the normal dBA limits or a higher dBA is allowed (see Boca Raton / Golden Beach Code excerpts).

Noise emissions are affected by many items such as air temperature, humidity, wall surface locations and materials, etc. Considerable research has been done over the years by scientists to study impacts of various noise emissions. The industry research was informative and we feel the adjusted Town rules would be adequate to allow the EPG but protect neighboring properties.

The Building Official and other Town staff have reviewed the draft Ordinance and concur / had no objections with the recommended Code revisions. MMPA recommends the Town adopt the Ordinance as drafted.

Sec. 5-19.3. - Emergency power generators.

Emergency power generators (EPG). Emergency power generators may be permitted, subject to the following restrictions:

- (a) Prior to installation, a property owner shall obtain a building permit from the town for the installation of a permanent unit. The town shall review all such permit applications to ensure such installations minimize the visual and acoustic impacts on adjacent properties.
- (b) Special attention shall be paid to the placement of the generator, the use of sound attenuating materials and the reasonable containment of sounds and exhausts that will be created by the operation of any EPG. A permanent EPG must be placed only in a side or rear yard area with a minimum setback of five feet from the property line. Notwithstanding the above yard and setback provisions, the town may approve alternative yard locations such as front or street side yard areas if the EPG is properly screened. The EPG must be placed as close to the main building as possible allowing for service to the EPG. A temporary EPG shall be located on the property to minimize visual, noise, vibration and exhaust impacts on adjacent properties.
- (c) The EPG maintenance cycle run shall be permitted a maximum of once per week between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday only, and shall continue for no more than the manufacturer's recommended duration, but not to exceed 30 minutes per cycle.
- (d) Permanent and temporary EPG may only be operated for nonmaintenance purposes when the town and/or county declare a state of emergency, or whenever there is a power outage. EPG shall not be used as a substitute for normal electrical power.
- (e) All permanent EPG shall be screened from view from adjoining properties and any street by the use of a wall, fence, a combination thereof, as well as supplemental landscaping.
- (f) EPG shall be deemed to emit an excessive and unusually loud noise when the sound pressure level measured at the property line or boundary nearest the unit exceeds the limits listed in chapter 12, article II entitled Noises.

(Ord. No. 662, § 1, 5-8-00; Ord. No. 783, § 1(Exh. A), 11-14-05; Ord. No. 789, § 1(Exh. A), 2-13-06; Ord. No. 850, § 1, 9-8-08)

Sec. 10-66. - Fans and air conditioners.

- (1) It shall be unlawful to create any excessive and unnecessary loud noise by the use or operation of any noise-creating air conditioner, compressor unit, power fan or blower or the electric motor or any engine used to drive such device, the operation of which causes such excessive and unnecessary noise, unless such noise is muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to persons within the range of hearing.
- (2) Upon the effective date of this article, the location and placement of all new or replacement air conditioning equipment on the outside of the building or structure it serves shall be specified by the city manager or designee, and shall be so shown and designated on the plans and specifications for such construction as the city manager or designee directs. In addition, the city manager or designee shall require compliance with all reasonable sound abatement measures and sound screening which may be necessary or desirable to prevent such air conditioning equipment from creating excessive or unnecessary noise. All such air conditioning equipment hereafter installed in the city shall carry the manufacturer's certification of the sound rating thereof, as determined by the applicable standards of the Air-Conditioning and Refrigeration Institute or the American Society of Heating, Refrigeration and Air Conditioning Engineers, which sound rating shall not exceed a value which will cause the limits of section 10-72 to be exceeded. All pertinent information and data as to the sound ratings of such equipment shall be furnished to the building division at the time application for the building permit is made.
- (3) The following provisions shall apply to emergency generators in all residential districts.



Emergency generators installed in all residential districts shall be exempt from the sound rating values set forth in section 10-72, Code of Ordinances when operated during power outages; provided however, in no event shall the sound rating value of emergency generators in any residential district exceed 72 dBA. Emergency generators in all residential districts may be operated for testing purposes 1 time for a period not to exceed 30 minutes in any 7-day period. Testing of emergency generators in all residential districts is permitted between the hours of 11 a.m. through 5 p.m., Monday through Saturday. No testing of emergency generators in any residential districts is permitted on Sundays or federal holidays.

(Code 1966, § 10A-27; Ord. No. 4636, § 1, 3-19-02)

Sec. 66-92. - Permanent Electric Standby Generators.

- (a) *Permitted zoning districts.* Permanent Electric Standby Generators shall be permitted to be located in all residential zoning districts, subject to the regulations set forth in this section.
- (b) *Location.* The hierarchy of the location, from most to least preferred, shall be as follows:
 - (1) Roof and terrace top;
 - (2) Front yards;
 - (3) Rear yards; and
 - (4) Side yards.
- (c) *Setbacks.* The following setback requirements shall apply when placing a Permanent Electric Standby Generator in the following locations:
 - (1) *Front yard.* When located in the front yard, a Permanent Electric Standby Generator shall be set back a minimum of 20 feet from the public right-of-way and five feet from the adjacent Side Property Line.
 - (2) *Side yard.* When located in a side yard, a Permanent Electric Standby Generator shall be located within five feet of the principal building.
 - (3) *Rear yard.* When located in a rear yard, a Permanent Electric Standby Generator shall be located within five feet of the rear of the principal building and set back a minimum of ten feet from the adjacent Side Property Line.
- (d) *Visual screening.* All Permanent Electric Standby Generators shall be completely screened on all sides by the use of walls, fences, landscaping, or other material approved by the Town Building Official.
- (e) *Sound.* A Permanent Electric Standby Generator shall not emanate noise greater than 100 decibels as measured from the nearest adjacent property line with a calibrated Sound Level Meter.
- (f) *Fuel source.* The fuel source for all Permanent Electric Standby Generators shall be limited to natural or propane gas.
 - (1) *Natural gas.* If natural gas is used as the fuel source for the Permanent Electric Standby Generator, the natural gas shall be provided through an underground line connected to a supply at or within the public right-of-way.
 - (2) *Propane gas.* Propane gas shall be stored in propane gas storage tank(s). Propane gas storage tank(s) shall be limited to 500 gallons or less if placed above ground and 1,000 gallons or less if buried underground. Such tank(s) shall be installed in accordance with NFPA 58, as amended. When located in the front yard, propane gas storage tank(s) shall only be permitted to be located below ground. When located above ground in the rear or side yard, such tank(s) shall be installed on structural slabs with the necessary wind uplift connections, screened from view in accordance with subsection (d) above, and located a minimum of five feet from the adjacent Side Property Line.

(Ord. No. 523.07, § 3, 8-21-07)

Sec. 90-67. - Emergency power generators.

The following requirements apply to permanent and temporary emergency power generators located in all zoning districts:

- (1) Permit: The property owner must obtain a building permit for the installation of an emergency power generator.
 - a. The town shall review all such permit applications to ensure such installations minimize the visual and acoustic impact on adjacent properties.
- (2) Special attention shall be paid to the placement of the generator, the use of sound attenuating materials, and the reasonable containment of sounds and exhausts, which will be created by the operation of any emergency power generator. The preferred placement shall be as follows: For all new construction, permanent emergency generators must be placed in the rear of the property; for residential structures existing as of September 1, 2006, permanent generators may be placed in the front of the house if placement in the rear is not feasible. In no instance shall generators be placed in the setbacks.
 - a. *Screening:* Emergency power generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public right-of-way or from adjacent parcels of property. Screening may include the use of fences, walls, or hedges, or a combination thereof and such screening shall meet all relevant Code requirements.
 - b. *Placement of temporary generators:* Temporary emergency power generators shall be placed outdoors at least ten feet from any opening or window.
 - c. *Maintenance cycle:* The generator's maintenance cycle run shall be permitted a maximum of once a week between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday only, and shall continue for no more than the manufacturer's recommended duration, but not to exceed 30 minutes per cycle.
 - d. *Allowed usage:* Emergency power generators may only be operated for non-maintenance purposes whenever there is a power outage. Generators may not be used as a substitute for electrical power.
 - e. *Code enforcement and removal:* Generators, which are in violation of the provisions of this section, shall be subject to immediate removal and code enforcement action.

(Ord. No. 1558, § 2(Exh. A), 8-10-10)

Home » Blog » How Loud is a Generator?



How Loud is a Generator?

19th Jun 2019

The noise level of a generator is a major factor in determining the right model for its application. Many places have noise regulations that may impact generator usage, particularly at night. Loud generators are unsuitable for many applications, including camping, powering outdoor events, and caravanning.

All generators are labeled with a decibel rating. For every increase in 10 decibels, the noise level is 10 times more powerful. So a generator that runs at 70 decibels is ten times as loud as a generator that runs at 60 decibels.

The decibel which is normally abbreviated dBA is the unit used to measure the intensity of a sound. The human ear is incredibly sensitive, a person's ears can distinguish between wide ranging sounds such brushing their fingers on a notepad to the loudest explosion or Jet aircraft. To put these differences into perspective a jet aircraft is 1,000,000,000,000 times louder than the quietest audible sound.

Looking on the decibel scale, the smallest audible sound which is near silence registers at 0 dB. An increase of 10 decibels equates to a 10 fold increase in noise to your ear.

Generators are measured and compared within the industry @ 7 metres. To comply with industry regulations all generators have to be marked in LWA this is a different measurement of sound which is taken from a different distance. for an example a quiet Honda EU22i is rated at its lowest at 52 dBA @ 7 metres on the LWA scale this would equate to approximately 88 decibels.

For the ultimate in quiet performance, Inverter series generators truly live up to their name. Thanks to their totally enclosed body and inverter technology, they operate as noise levels between 49 and 60 decibels - which is no louder than normal speech.

Open frame generators, which are commonly used on worksites and around the farm, are around 70 - 80 DbA

Diesel generators are normally found to be around 75 - 85 DbA, but a lower speed diesel or when enclosed in a canopy can make a difference and the noise level can be a lot lower.

Here are some common sounds and their decibel ratings:

190 dBA	Heavy weapons, 10m behind the weapon (maximum level)
180 dBA	Toy pistol fired close to ear (maximum level)
170 dBA	Slap on the ear, fire cracker explodes on shoulder, small arms at a distance of 50cm (maximum level)
160 dBA	Hammer stroke on brass tubing or steel plate at 1m distance
150 dBA	Hammer stroke in a smithy at 5m distance (maximum level)
130 dBA	Loud hand clapping at 1m distance (maximum level)
120 dBA	Whistle at 1m distance, test run of a jet at 15m distance

5.0 *****
No rating available

CALL TODAY
1300 558 706
0 items \$0.00

nd of planes at 10m distance



95 dBA	Loud crying, hand circular saw at 1m distance
90 dBA	Petrol Lawnmower
85 dBA	2-stroke chain-saw at 10m distance, loud WC flush at 1m distance
80 dBA	Very loud traffic noise of passing lorries at 7.5m distance, high traffic on an expressway at 25m distance
75 dBA	Passing car at 7.5m distance, un-silenced wood shredder at 10m distance
70 dBA	Level close to a main road by day, quiet hair dryer at 1m distance to ear
65 dBA	Normal Conversation
55 dBA	Low volume of radio or TV at 1 m distance, noisy vacuum cleaner at 10 m distance
50 dBA	Refrigerator at 1m distance, bird twitter outside at 15 m distance
45 dBA	Noise of normal living; talking, or radio in the background
35 dBA	Very quiet room fan at low speed at 1m distance
25 dBA	Sound of breathing at 1m distance
0 dBA	Auditory threshold

#generator #dba #decibel #noise

Share:   

Join Newsletter

Stay up to date on the latest product releases

Email address

JOIN

Information



Account



Customer Service

CALL TODAY
1300 558 7060 items
\$0.00

No rating available



813-812-5752 Call Us! | sales@acoustiblok.com[Industries](#) ▾ [Products](#) ▾ [Noises & Solutions](#) ▾ [Project Examples](#) ▾ [Info & Media](#) ▾ [Contact Us](#) ▾[SEE SOUND HERE!](#) 🔍

Generator Noise Information

Generator Noise Reduction & General Information

Using sound absorbing viscoelastic polymer material on the inside walls of generator enclosures and surrounding your noisy generator with an acoustical **soundproofing barrier** will significantly quiet generator noise to legally acceptable and comfortable levels. Most generators are noisy and operate above acceptable community noise levels without soundproofing. They can disturb neighbors and passers-by and can disrupt normal activities going on in nearby homes and inside your business if not controlled. Most cities and communities now have noise/nuisance ordinances and are increasingly levying fines upwards of \$500 per offense if your generator is louder than 65/55 (daytime/nighttime) decibels when measured "at the property boundary." In many areas, second offenses can range from \$500 – \$1,000 "per day" as every day counts as a separate violation. If you have a noisy generator at your home or business, the risk of getting these unpredictable fines outweighs the cost and time of installing proper sound abatement systems.

Normal everyday conversation generally occurs at approximately 60 decibels on a sound meter which is significantly less than the sound decibel levels that many generators put out. This can make even every day conversation more difficult if you are around a noisy generator. High levels of noise are also known to negatively impact productivity, moods and anxiety levels.

Reciprocating engine-powered generators, used to make electricity on a temporary basis, produce a good deal of noise and vibration. During a temporary loss of electrical power, generators help keep essential home appliances running, keep businesses operational, and provide electricity in places like the outdoors and in recreational vehicles.



Generator Noise

Whether these generators run continuously as part of a primary power source or occasionally in standby circumstances during emergencies or special needs situations, their noise levels usually need to be reduced to comply with local, state and federal noise or nuisance laws and ordinances in place to address noises described as "excessive, unreasonable, or repetitive in terms of volume so as to disturb the peace, quiet and comfort, and be offensive to the reasonable person of normal auditory sensitivity residing in or occupying a residential area."

Basic Types of Generators

Residential Standby	Commercial Standby	Portable
These are typically powered by gasoline or diesel fuel. They are used to supply power to essential home items such as refrigerators and lights in case of a power outage.	These types of generators are similar to residential generators, but used on a much larger scale and are usually larger in size and noisier. Residential generators start at 6,000 watts while commercial generators start at 30,000 watts. Commercial generators are used to power backup systems in commercial establishments and businesses.	These are typically the smallest types of generators (up to 30,000 watts) and are ideal for outdoor uses such as camping or to power a recreational vehicle.



(above) Caterpillar commercial standby generator with sound-proofing panel enclosure.



(above) Generac standby commercial generator without sound-proofing panel enclosure.

Residential receiving properties (mixed-use zones are considered residential)

- 65 dBA during daytime hours for
- 55 dBA during nighttime hours

Nonresidential receiving property

- 67 dBA during daytime hours
- 62 dBA during nighttime hours

Sources of generator set noise

An engine-generator is the combination of an electrical generator and an engine mounted together to form a single piece of equipment. This combination is also called an engine-generator set or a "Gen-Set." In many contexts, the engine is taken for granted and the combined unit is simply called a generator.

Like any motor, a **generator motor** creates a lot of heat and needs a cooling system to prevent overheating. Standby generators can be either air-cooled or liquid-cooled. The major difference is that air-cooled systems are louder and not quite as effective. Liquid cooled systems are quieter and more dependable – and also more expensive to purchase and to maintain.

The decibel (often listed as dB) rating on a generator, is a number that is given that explains the noise level generated by the engine running. Some noisy generators can reach sound levels ranging from 80-100-plus decibels, which at 100 plus decibels translates to the noise of a jack hammer at 10 meters (32.8 feet); 110 decibels is the noise equivalent of a plane taking off at a 10 meters; 115 decibels translates to a jet's screeching whistle at 10 meters, and is also the threshold of noise-induced pain. Sustained noise levels above this can cause hearing damage in short a short amount of time. Sustained noise at 100 dB can

cause long term health problems. A higher quality and less noisy generator is going to be in the 70's decibel rating while a really good generator will be in the 60's decibels range.

According to a Cummings White Paper by Senior Acoustics Specialist Dennis Aaberg, generator set (residential and commercial generators) noise is produced by six major sources:

- Engine noise – This is mainly caused by mechanical and combustion forces and typically ranges from 100 dB(A) to 121 dB(A), measured at one meter, depending on the size of the engine.
- Cooling fan noise – This results from the sound of air being moved at high speed across the engine and through the radiator. Its level ranges from 100 dB(A) to 105 (A) dB at one meter.
- Alternator noise – This is caused by cooling air and brush friction and ranges from approximately 80 dB(A) to 90 dB(A) at one meter.
- Induction noise – This is caused by fluctuations in current in the alternator windings that give rise to mechanical noise that ranges from 80 dB(A) to 90 dB(A) at one meter.
- Engine exhaust – Without an exhaust silencer, this ranges from 120 dB(A) to 130 dB(A) or more and is usually reduced by a minimum of 15 dB(A) with a standard silencer.
- Structural/mechanical noise – This is caused by mechanical vibration of various structural parts and components that is radiated as sound.

Noise from "portable" generators comes primarily from two sources, the engine block and the exhaust system. With an air cooled engine there is little you can do about blocking noise. Some engines can have a larger muffler attached or make other changes to the exhaust system. Merely mounting exhaust pipe vertically will noticeably reduce noise.

Reducing Noise "Inside" the Generator Enclosure

With the growth of standby, prime and peaking power installations in densely populated areas, it's become important to focus attention on understanding how generator noise is propagated and controlled.

Typically, there are two main methods for controlling the airborne noise in a power generator:

- Blocking airborne noise via a weighted barrier
- Absorbing airborne noise via acoustical absorbing insulation.

Aaberg's white paper expands on this claim. It recommends that standby generator enclosures incorporate the following types of materials for best results and often with cost and performance improvements as compared to more traditional solutions:

- Flexible non-lead barriers (like Acoustiblok) in weights ranging from 1/4" lbs./ft² to 2 lbs./ft²
- Faced acoustical foams in thicknesses ranging from 1/4" to 2" and with numerous facings, including reflective and reinforced facings
- Decoupled barrier composites and barrier/absorber composites in a range of barrier weights, decoupler thicknesses and absorption layer thicknesses faced with numerous films
- Damping composites comprising a damping layer to manage structure borne vibration
- Combined with acoustical foam layers to absorb airborne noise.

Significant noise control can be achieved by lining the generator's sheet metal enclosure with a weighted barrier, or a decoupled weighted barrier (composite of barrier over decoupling foam) to help block noise. Ideally, at least 90 percent of the enclosure should be lined. For optimal effect the enclosure openings must be minimized.

Absorption reduces airborne noise due to mechanical sound energy by converting it into low grade heat energy. As air is pushed into the absorbing material by the sound pressure wave, viscous forces dissipate the mechanical sound energy as heat.

Most power generation equipment requires several openings in the metal enclosure – for air intake, exhaust and heat release. These openings are generally detrimental to the performance of barriers and decoupled barriers as they can allow noise to escape unhindered. By incorporating acoustical absorbers as a lining for louvers or by creating a path for airflow, noise can be absorbed before it escapes the enclosure.

In recent years, a wide range of elastomer innovations, like Acoustiblok, have been created that can be utilized in designing next generation Gen-Set enclosures. These materials must meet multiple design objectives including noise frequencies, operating temperature range and operating environment including thermal management, contaminant resistance and maintenance considerations.

Reducing Noise "Outside" the Generator

In a residential setting, the simplest type of noise control for generators or other gas or propane-powered engines is a noise barrier placed around it. Outdoor sound curtains or sound curtain noise barrier walls are an effective method of reducing noise generated by equipment, pumps, generators or other processes that are outside and are exposed to the elements.

It is important to take into account the source height of the generator, which can be fairly high, and to consider the height of the receiver if the impacted site has multiple floors. To be effective, a barrier wall must at least block the line-of-sight from the source to the receiver.

Sound barriers will make a substantial difference in the noise exposure levels from generators if the proper materials are used. They can reduce the sound by about 12-15 decibels, which is significant because a 10 decibel decrease in sound results in half the sound heard to the human ear. The more distance between the generator and your house or building, the better. Not all materials will work. It is important to do your research.

There are other soundproofing product solutions such as sound panels. Some soundproofing companies, like Acoustiblok, Inc. manufacture all-weather sound panels that are different from other conventional acoustical sound panels. In addition to being able to stand up to the most extreme environments, they not only absorb virtually all sound but they also contain a layer of noise absorbing viscoelastic material which provides exceptional noise blockage.

The sound absorbency of the panels brings down substantially the acoustical energy around the generator and by eliminating all sound reflections in the area, while the viscoelastic material in the panel allows it to also be an excellent sound barrier.

With increasing focus on noise in our communities, it's important to take a proactive approach to solving your generator noise issues by using lab tested and proven acoustical soundproofing materials.

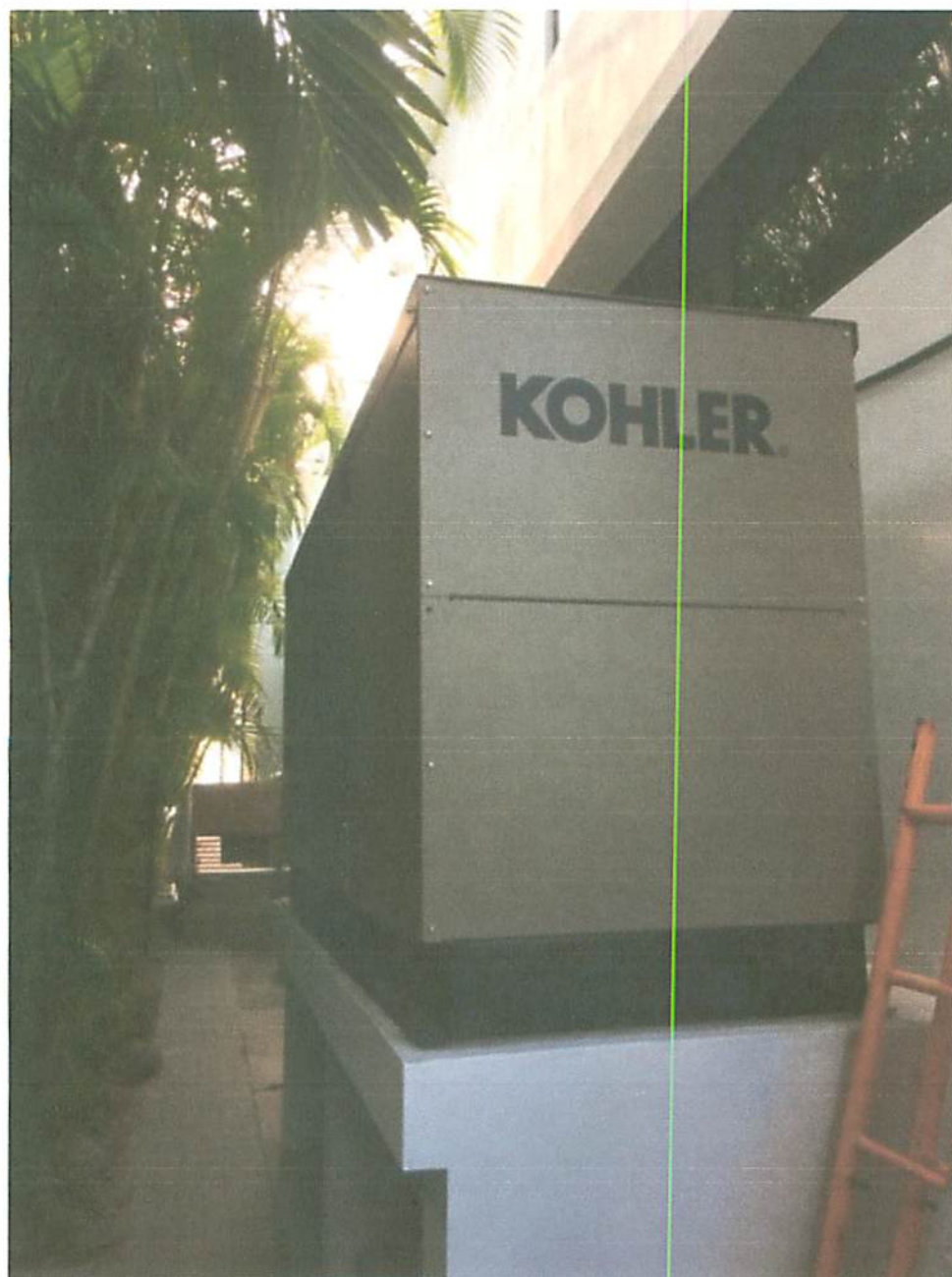
Contact Form

Fields marked with an * are required

How did you hear about us?

Project Name *

First Name *



AGENDA ITEM REPORT

June 23, 2021

ITEM NUMBER: 2.

ITEM: Consideration and Approval of an ordinance on **second** reading approving Budget Amendment No. 2 for the 2020/2021 Fiscal Year. Enclosed is a copy of the proposed ordinance and other supporting documents.

DESCRIPTION:

The proposed ordinance for second reading is to approve budget amendment no. 2 for the 2020 / 2021 fiscal year. The proposed ordinance includes amendments to the General Fund, Causeway Fund and Storm water Fund.

Enclosed is a detailed description of the proposed budget amendment provided by Finance Director Kajokas and other supporting documents.

PREVIOUS MEETING VOTE:

COUNCIL VOTE			
NAME	FOR	AGAINST	ABSTAINED
Mayor J. Fuller	x		
Vice Mayor E. Tricoche	x		
Council Member S. Bruder	x		
Council Member M. Diallo	x		
Council Member J. Leonard	x		
Council Member I. Salver	x		
Council Member R. Yaffe	x		

RECOMMENDED ACTION:

Approval

FINANCIAL ANALYSIS:

- (i) Increase in General Fund Revenues and Appropriations in amount of \$1,216,000;
- (ii) Increase in Causeway Fund Revenues in amount of \$587,496.57 and Expenses in the amount of \$200,000.00;
- (iii) Increase in Storm Water Fund Revenues and Expenses in the amount of \$111,200.

For additional details refer to supporting documentations.

BUDGET IMPACT:

Submitted By: Alba L. Chang, Town Clerk

ATTACHMENTS

1. Ordinance - Budget Amendment No. 2
2. Budget Amendment No 2 Exhibit A

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF BAY HARBOR ISLANDS, FLORIDA,
APPROVING BUDGET AMENDMENT NO. 2 FOR THE
FISCAL YEAR 2020/2021 BUDGET; PROVIDING FOR
IMPLEMENTATION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on September 14, 2020 the Town Council of the Town of Bay Harbor Islands (the “Town”) adopted Ordinance No. 1051 approving the Budget for Fiscal Year 2020/2021 and establishing revenues and appropriations for the Town; and

WHEREAS, the General Fund is being amended to (i) increase Federal Grant – General Government revenues by \$1,216,000 to account for American Rescue Plan Act of 2021 COVID19 Relief funds (“ARP”) which was passed by Congress and signed into law by President Joe Biden on March 11, 2021; (ii) appropriate \$387,200 in Computer Software expenditures for Business Tax Receipts, Election Campaign Report Filing, Passport Service, CAFR Builder, Accounts Receivable, Fixed Assets, Benefits Management, NeoGov, Power DMS, Digitizing Files (scanning), Central Square – Building Licenses and Permits software acquisition and implementation; (iii) appropriate additional \$405,000 in expenditures Improvements (Excl. Buildings) for Town-wide private WIFI Network addition, for street milling and resurfacing, and light installation at 92nd, 95th, and 96th street park and a TOT lot; (iv) appropriate additional \$213,800 in Machinery and Equipment expenditures for LPR system and Taser replacement program for public safety; (v) increase \$210,000 in Transfer to Other Funds appropriations to account for ARP funds transfer-out to Stormwater Fund.

WHEREAS, the Causeway Fund is being amended (i) to increase State Grant – ICW Bridge revenues in the amount of \$587,496.57 for FDOT grant money received for completed Causeway improvement project; (ii) and to increase \$200,000 additional Improvement (Excl. Buildings) expense estimates for removing and replacing existing Conduit/Bracketing and installing new power cable according to a quote received from Lakes Engineering.

WHEREAS, the Storm Water Fund is being amended (i) to increase \$210,000 Transfer from Other funds revenues to account for transfer-in of ARP funds from General Fund to Storm Water Fund; (ii) to increase expense estimates of \$210,000 in Improvements (Excl. Buildings) to account for Storm Water improvement projects at the Town of Bay Harbor Islands.

WHEREAS, an increase to the budgeted revenue estimates and expenditure estimates is required for the General Fund, to comply with Florida Statutes and the Town’s commitment to sound budgeting practices, where budgeted expenditures may not exceed anticipated revenues;

WHEREAS, the Town Commission desires to amend the Fiscal Year 2020/2021 budget by amending the General Fund as set forth in Attachment “A” attached hereto; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Approval of Budget Amendment No. 2. The Town Council approves the 2020/2021 fiscal year Budget Amendment No. 2 as provided for above and set forth in Attachment “A” attached hereto.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and take effect upon its passing and adoption.

PASSED on First Reading this ____ day of _____, 2021.

PASSED AND ADOPTED on Second Reading this ____ day of _____, 2021.

JOSHUA D. FULLER
MAYOR

ATTEST:

ALBA L. CHANG,
TOWN CLERK

APPROVED AS TO FORM:

Joseph Geller, Esq.,
Town Attorney

EXHIBIT “A

Town of Bay Harbor Islands, Florida
Amendments to the 2020-2021 Budget
Attachment A

Fiscal Year 2020/2021

Budget Amendm. No. 2

Fund Nos. **001 General Fund**
 401 Causeway Fund
 406 Stormwater Fund

Account Number	Account Description	Justification	Original/Adjusted Budget	Increase	Decrease	Adjusted Budget
GENERAL FUND						
REVENUES						
001.9990.331100.000	Federal Grant-General Government	To increase revenues to account for American Rescue Plan (ARP) funds from Federal Government	\$ -	\$ 1,216,000.00	\$ -	1,216,000.00
TOTAL	GENERAL FUND REVENUES			\$ 1,216,000.00		
EXPENDITURES						
001.5125.400066.000	Computer Software - Town Clerk	To appropriate expenditures for Business Tax Receipts Software, Election Campaign Report Filing Software, Passport Services, Scanning	-	47,200.00		47,200.00
001.5130.400066.000	Computer Software - Finance and Administration	To appropriate expenditures for CAFR Builder, Accounts Receivable, Fixed Assets, Benefits Management Module	-	50,000.00	-	50,000.00
001.5135.400063.000	Improvements (Excl. Buildings) - Information	To appropriate expenditures for Town-wide private WIFI Network Addition	-	40,000.00	-	40,000.00
001.5137.400066.000	Computer Software - Human Resources	To appropriate expenditures for NeoGov, Power DMS, Digitizing Files (scanning)	-	50,000.00	-	50,000.00
001.5210.400064.000	Machinery & Equipment - Law Enforcement	To appropriate expenditures for LPR, Tasers acquisitions, Laptops	99,025.00	213,800.00	-	312,825.00

001.5240.400066.000	Computer Software - Building	for building License and Permit Software - Central Square and Digitizing Files (scanning)	-	240,000.00		240,000.00
001.5410.400063.000	Improvements (Excl. Buildings)-Streets & Parks	To appropriated expenditures for Milling and Resurfacing Streets	27,500.00	225,000.00	-	252,500.00
001.5440.400063.000	Improvements (Excl. Buildings)-Parks & Recreation	To appropriate expenditures for Lights on 92nd, 95th, 96ths Street Parks & Tot Lot	530,000.00	140,000.00	-	670,000.00
001.5720.400091.000	Transfer to Other Funds	Transfer-out American Rescue Plan funds to Storm Water Fund	-	210,000.00	-	210,000.00
TOTAL	GENERAL FUND EXPENDITURES			\$ 1,216,000.00		
CAUSEWAY FUND						
REVENUES						
401.9990.334490.300	State Grant - ICW Bridge	To increase the revenue from State Grant for FDOT grant received.	-	587,496.75	-	587,496.75
TOTAL	CAUSEWAY FUND REVENUES			\$ 587,496.75		
EXPENDITURES						
401.5415.400063.000	Improvements (Excl. Buildings)	To appropriate additional expenditures to remove and replace existing Conduit/Bracketing and Install Power Cable-Lakes Engineering	1,415,000.00	200,000.00	-	1,615,000.00
TOTAL	CAUSEWAY FUND EXPENDITURES			\$ 200,000.00		
STORM WATER FUND						
REVENUES						
406.9990.369000.000	Other Miscellaneous Revenues	To increase revenues for transfer-in American Rescue Plan funds from General Fund	-	210,000.00	-	210,000.00
TOTAL	STORM WATER FUND REVENUES			\$ 210,000.00		
EXPENDITURES						

406.5380.400063.000	Improvements (Excl. Buildings)	To appropriate additional expenditures for Storm Water Improvements	87,500.00	210,000.00	-	297,500.00
TOTAL	STORM WATER FUND EXPENDITURES			\$ 210,000.00		

AGENDA ITEM REPORT

June 23, 2021

ITEM NUMBER: 3.

ITEM: Consideration and Approval of a Resolution requested by Council Member Leonard in support of the AFL-CIO's Federal Legislation – The Protecting the Right to Organize Act. Enclosed is a copy of the proposed resolution and other supporting documents.

DESCRIPTION:

The proposed Resolution is being sponsored by Council Member Leonard to support federal legislation called the Pro-Act Act (Protecting the Right to Organize). The Pro-Act is a landmark pro-worker, civil rights, and economic stimulus legislation, and an essential part of any plan to building back better from COVID-19 pandemic and recession. The United States House of Representatives passed the Pro-Act (H.R. 842). The PRO-Act would: Hold corporations accountable for union-busting and increase penalties for employers that violate worker rights; override "Right to Work" laws which have had a more than 70-year track record of lowering wages, reduce benefits and make workplaces more dangerous; ensure workers can reach a first contract quickly after a union is recognized; end employers' practice of punishing striking workers by hiring permanent replacements; and create pathways for workers to form unions, without fear.

Enclosed is a copy of the proposed Resolution.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Yvonne Hamilton, Deputy Town Clerk
Jordan W. Leonard, Council Member

ATTACHMENTS

1. Resolution-Supporting the AFL-CIO's Legislation- The Protecting the Right to Organize
2. 2123_ProAct EndorsementEditable
3. 2123_ProAct Factsheet (1)

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA; SUPPORTING COMPREHENSIVE LABOR LAW REFORMS THAT EMPOWER AND PROTECT WORKING PEOPLE BY ALLOWING THEM THE FREEDOM TO JOIN TOGETHER AT WORK, NEGOTIATE A FAIR RETURN ON THEIR WORK AND HOLD THEIR EMPLOYERS ACCOUNTABLE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the wage and wealth gap between the rich and poor has reached a 50-year high, and research shows the assault on union density is a direct cause of the rise in economic inequality; and

WHEREAS, the rise in economic inequality and poverty has far-ranging repercussions on issues, including affordable housing, public safety, public health, environmental protection, quality education, infrastructure and more; and

WHEREAS, it is in our society's best interest to alleviate poverty by providing good, safe and secure employment to all, and to hold corporations and employers accountable for their actions and conduct; and

WHEREAS, by joining together in a union, working people secure a voice on the job, the power to act collectively, the power to negotiate a fair return on our work, the ability to hold employers accountable, and the power to address discrimination and harassment; and

WHEREAS, corporate interests have surgically weakened our labor laws to tilt the balance of power to favor corporations over working families, leaving our labor laws woefully outdated and weak; and

WHEREAS, outdated labor laws have been exploited by employers to coerce, intimidate and punish workers for exercising our democratic rights, to break the law with impunity, to avoid accountability, and to erode the democratic rights of workers; and

WHEREAS, our labor laws no longer serve as an effective means for protecting and empowering working people, and the unbridled power of corporations has prevented more working people from joining together in unions.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA:

Section 1. Will advocate for and support federal legislation to protect the right to organize, expand collective bargaining rights, and balance the power between corporations and working people; and be it further resolved.

Section 2. Supports the Protecting the Right to Organize (PRO) Act and other federal legislation to protect public employee collective bargaining.

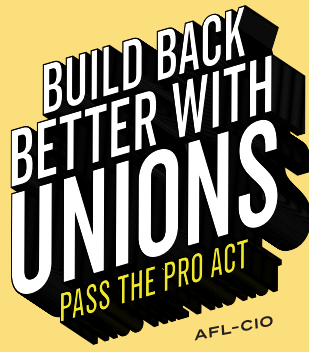
Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of June 2021.

JOSHUA D. FULLER
MAYOR

ATTEST

ALBA L. CHANG
TOWN CLERK



PROTECTING THE RIGHT TO ORGANIZE ACT ENDORSEMENT

Outdated labor laws are not strong enough to protect working people in their workplaces. High-profile corporations openly oppose working people forming unions, without ever facing consequences themselves. Economic inequality has skyrocketed, as working people have been denied a voice on the job and more and more families are falling into poverty. The Protecting the Right to Organize (PRO) Act is the most significant worker empowerment legislation since the Great Depression. I endorse the PRO Act and permit my name to be listed publicly as a supporter of this legislation.

Name _____

Title _____

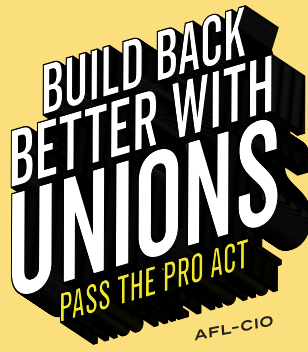
*Organization _____

Address _____

City _____ State _____ ZIP code _____

Phone _____ Email _____

**Organizations are listed for identification purposes only.*



FACT SHEET

Protecting the Right to Organize (PRO) Act

H.R. 842 | S. 420

Sen. Patty Murray (Wash.) and Rep. Robert C. “Bobby” Scott (Va.) have introduced the PRO Act, which restores the right of workers to freely and fairly form a union and bargain together for changes in the workplace. The PRO Act is landmark worker empowerment, civil rights and economic stimulus legislation, and an essential part of any plan to build back better from the COVID-19 pandemic and recession.

Unions Are Key to the American Dream

- The latest research shows that the fall and rise of economic inequality since 1936 closely tracks the growth and decline of union density. As the collective strength of working people to negotiate for better pay and benefits has eroded, the gap between rich and poor has reached levels not experienced since the Great Depression.
- Unions were instrumental in creating the American Dream, and the decline of union density has made financial security and upward mobility less achievable for working people. More and more workers today, especially young workers, feel that a good job and a decent career are beyond their reach.

Unions Improve Pay and Working Conditions for All Workers—Especially Workers of Color

- Working people who come together in a union can bargain for higher wages (11.2% more than what nonunion workers make). Union members also are more likely to have employer-provided health insurance (94% compared to 68%); access to paid sick days (91% compared to 73%); retirement benefits through private employers (82% to 48%); and guaranteed pensions through private employers (54% to 8%).
- The union advantage is greater for Black, Latino, women, immigrant, LGBTQ and other workers who have experienced workplace discrimination. Black, Latino and women workers are paid 13.7%, 20.1% and 5.8% more, respectively, when they belong to a union. Union contracts pay women and men the same for doing the same job. You cannot be fired for your sexual orientation or gender identity under a union contract.

- The COVID-19 pandemic has shown once again that belonging to a union can literally be the difference between life and death on the job, especially for workers of color and women who are disproportionately essential workers and have been more likely to lose life, health and employment during the COVID-19 pandemic.
- So it should not be surprising that more and more workers want to join a union. A 2018 MIT study found that nearly half of all nonunion workers—more than 60 million people—would join a union today if given the chance.

The National Labor Relations Act Is Broken and Must Be Fixed

- The problem is that our basic labor law, which is supposed to protect the rights of workers to form a union and bargain collectively, is broken. In recent decades, employers have been able to violate the National Labor Relations Act (NLRA) with impunity. An entire union-busting industry now works nonstop to block working people from exercising our rights. Today, in more than 40% of all union organizing elections, employers are charged with breaking the law. They lie. They threaten and coerce. They routinely fire union supporters. Workers are forced to attend mandatory meetings with one item on the agenda: union-bashing. These messages of fear and intimidation come from the very people who control our paychecks, how much time we can spend with our families and whether we will have a job tomorrow. And the penalties for employers that engage in this illegal behavior are inconsequential.
- The PRO Act is the answer because it would fix many of these problems (see the accompanying PRO Act Explainer for details). The PRO Act would make it possible for tens of millions of workers to exercise our freedom to join together and bargain with our employer, and to have more of a say in our jobs, our economy and our country.

We Need the PRO Act Now

- We need the PRO Act to ensure good jobs for working people. Historically, unions have turned bad jobs into good jobs in one industry after another. All workers need and deserve the collective power of a union to help achieve decent pay, secure benefits, flexible schedules, fair treatment, and basic respect and dignity at work.
- We need the PRO Act to address inequality. The latest research shows that the rapid growth of unions in the 20th century dramatically reduced inequality by extending the union advantage to more workers, particularly lower-income workers and Black workers, while at the same time raising standards for nonunion workers across entire industries. Growing today's labor movement is the only policy that has the scale necessary to take us off our current trajectory of ever-growing inequality. Without it, broadly shared prosperity that extends to most working people has virtually no chance.
- We need the PRO Act to fix our economy. The result of growing inequality and a shrinking middle class is an economy that does not work because the vast majority of people lack the incomes or the economic security to consume or invest. Economists are increasingly recognizing that inequality stunts economic growth. We need to grow the labor movement to rebalance the economy, which will be good for growth.

- We need the PRO Act to fix our democracy. Another consequence of declining worker power and economic failure is that more and more people lose confidence in the system as a whole. To restore that confidence and strengthen our democracy, we need to make the economy work for working people.
- We need the PRO Act to promote racial justice and eradicate all kinds of discrimination. A union contract is the single best tool we have to close racial and gender wage gaps, and to ensure dignity and fair treatment for all workers, regardless of where we were born, who we are, or what industry we work in. More than 65% of union members are either women or people of color, and Black workers are the most likely of any demographic group to be union members (13.5%). The decline of unionization has played a significant role in the expansion of the racial wage gap over the past four decades, and an increase in unionization would help reverse this trend.
- We need the PRO Act to give working people a real say in our future. The PRO Act would reduce inequality, ensuring that workers share in the benefits of future economic growth and the rising productivity that will be fueled by technology, and give workers a say in how technology is deployed in the workplace. The PRO Act also includes specific provisions to correct trends that may be troubling in the future such as employers washing their hands of responsibility toward the workers who make them profitable.