



leaf blowers and improve the ease of enforcement by Public Health Department City staff. The proposed amendments will restrict the use of a leaf blower by changing the hours and locations a leaf blower may be used, lowering the allowable maximum noise level, and requiring the employer of a landscape gardener to assist in correcting the violation.

State legislators are sponsoring three Assembly bills that may affect municipal ability to regulate the use of leaf blowers in their communities. If one or more of the three Assembly bills is adopted, existing ordinances that ban the use of leaf blowers may no longer be enforceable; however, those existing local ordinances that only impose use restrictions related to noise and hours of use, similar to Pasadena's ordinance, will not be affected.

### **BACKGROUND**

Currently, the City has in place a Leaf Blowing Machines Ordinance, which requires the user of a powered leaf blower to comply with the following restrictions: (1) leaf blowers may only be used in residential areas between the hours of 7:30 a.m. and 6:00 p.m. during weekdays, from 9:00 a.m. to 5:00 p.m. on Saturdays, and are prohibited on Sundays; (2) leaf blowers are not to be used for more than 15 minutes per hour on residential parcels of less than ½ acre or more than 30 minutes per hour on parcels greater than ½ acre; and (3) leaf blowers are required to be tested annually by the Public Health Department to ensure the noise level from the equipment does not exceed 70 decibels when measured from a location 50 feet away. A permit sticker is affixed on the leaf blower by city staff identifying that it has passed inspection and complies with the established noise standard.

Landscape gardeners doing business in Pasadena are required to obtain a leaf blower permit from the Public Health Department before a business license is issued. During FY 1999, a total of 120 leaf blower permits were issued to individuals using leaf blowers in the City. The ordinance is enforced by the Public Health Department, based on complaints from residents.

Use of leaf blowers in neighborhoods gives rise to complaints by residents. Today, many cities have imposed some restrictions on leaf blower use related to noise and time of use and 20 California cities have prohibited the use of leaf blowers altogether. In Los Angeles County, the cities of Beverly Hills, Claremont, Hermosa Beach, Lawndale, Los Angeles, Malibu, Santa Monica, South Pasadena, and West Hollywood prohibit the use of leaf blowers by gardeners. Some cities regulate leaf blower use do so by restricting the hours of use or the maximum noise level from a leaf blower, or both.

There are three State Assembly bills now being considered that will affect cities' ability to regulate the use of leaf blowers in their communities:

1. Assembly Bill 1609 (Cardenas) would allow a city to establish a noise limitation on leaf blowers that cannot be less than 65 decibels. AB 1609 would also prohibit a city from banning the use of a leaf blower, except between the hours of 6:00 p.m. and 8:00 a.m. on weekdays and between 5:00 p.m. and 9:00 a.m. on weekends.
2. Assembly Bill 1544 (Grandlund) would require a city that proposes to adopt an ordinance banning the commercial use of leaf blowers to contract with an independent entity to perform an assessment of the economic impact on property owners and businesses of the proposed ordinance. The bill also requires that an ordinance adopted on or before January 1, 2000, banning the use of leaf blowers, may not be enforced unless the ordinance was adopted in compliance with the bill or unless it was enacted by the electors of a city.
3. Assembly Bill 1267 (Polanco) would prohibit a city from banning or restricting the commercial use of leaf blowers between January 1, 2000 and December 31, 2001. The bill would authorize the electors of a city, on or after January 1, 2002, to enact a prohibition on the commercial use of leaf blowers by initiative.

If one or more of the three bills is adopted, existing ordinances that ban the use of leaf blowers may no longer be enforceable; however, those existing city ordinances that only impose use restrictions related to noise and hours of use, similar to Pasadena's ordinance, will not be affected.

### **PROPOSED ORDINANCE CHANGES**

Changes to the City of Pasadena's leaf blower ordinance are being proposed to reduce further the public nuisance created by leaf blowers to residents, and to improve the ease of enforcement by Public Health Department staff. In addition, technology has improved so that it is easier for leaf blower machine users to reduce noise output levels. The following amendments to the ordinance are recommended:

1. Change the earliest time when a leaf blower may be used in the City from 7:30 a.m. to 8:00 a.m. Hours of use would be between 8:00 a.m. and 6:00 p.m. Weekend use would remain unchanged, from 9:00 a.m. to 5:00 p.m. on Saturdays and not permitted on Sundays.
2. Prohibit the use of a leaf blower, during after-hours, in a commercial area if the leaf blower is used within 200 feet of a residential property. The current ordinance allows a leaf blower to be used at any time on a commercial property, regardless if the property is adjacent to a residential property. Commercial property owners would be affected by this change because maintenance personnel will not be allowed to use a leaf blower to maintain their properties

during after-hours. Owners of commercial property located within 200 feet of a residential property will only be able to use a leaf blower on weekdays between 8:00 a.m. and 6:00 p.m. and between 9:00 a.m. and 5:00 p.m. on Saturdays. Leaf blower use on commercial properties would be prohibited on Sundays if within 200 feet of a residential property.

3. Lower the maximum noise level allowable from a leaf blower to 65 decibels, from 70 decibels, when the leaf blower is measured at a site 50 feet away. As the result of consumer demand for quieter leaf blowers, gardening equipment companies are already meeting the 65 decibels noise standard. A gardener using a late-model leaf blower will be required to purchase a new leaf blower or modify the existing leaf blower to meet the reduced noise level standard.
4. Require the employer of the landscape gardener to assist the Public Health Department in notifying the gardener that a complaint was received. This would ensure quicker investigation of a complaint and would also require property owners to be involved in resolving violations of the leaf blower ordinance. When a complaint about a possible violation of the ordinance is received, a letter will be sent to the property owner requesting information about their landscape gardener.
5. Require landscape gardeners to display their current business license stickers on their vehicles to identify them as having met all Business License and Health Department requirements. Business License staff will ensure current business license stickers are correctly affixed on the vehicles upon renewal of their business license.
6. The Environmental Health Services Division Manager shall have primary responsibility for the administration and enforcement of the Leaf Blowing Machines Ordinance. The Public Health Department will begin using the procedures for issuing administrative citations to gardeners and property owners who do not correct the violations after adequate notice has been given.

**FISCAL IMPACT**

Approval of this Ordinance Amendment by the City Council will not impact Business License and Health Fund revenues. There are no changes being proposed which affect Business License or Health Department fees and charges

Respectfully submitted,

  
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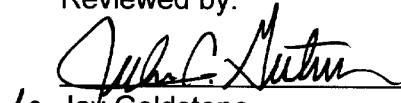
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