

# Agenda Report

## REVISED REPORT

**TO:** CITY COUNCIL

**DATE:** OCTOBER 16, 2000

Through Business Enterprise Committee

**FROM:** CYNTHIA J. KURTZ, CITY MANAGER

**SUBJECT: DIRECT CITY ATTORNEY TO PREPARE AN ADMENDMENT TO PASADENA MUNICIPAL CODE CHAPTER 9.37 REGARDING LEAF BLOWING MACHINES**

### RECOMMENDATION:

It is recommended that the City Council direct the City Attorney to prepare an amendment to Chapter 9.37 of the Pasadena Municipal Code regarding leaf-blowing machines that will:

1. Change the earliest time when a leaf blower may be used in a residential district from 7:30 a.m. to 8:00 a.m., with hours of use between 8:00 a.m. and 6:00 p.m. Weekend use will remain unchanged from 9:00 a.m. to 5:00 p.m. on Saturdays, and use will be prohibited on Sundays;
2. Limit the hours of use in a commercial area, if the leaf blower is used within 500 feet of a residential district, to between 8:00 a.m. and 6:00 p.m. on weekdays, 9:00 a.m. to 5:00 p.m. on Saturdays, and use to be prohibited on Sundays;
3. Lower the maximum noise level allowable to 65 decibels, from 70 decibels, when the leaf blower is measured from a site 50 feet away; and
4. Assign primary responsibility to the Pasadena Public Health Department for the administration and enforcement of the Leaf Blowing Machines Ordinance and authorize the Pasadena Public Health Department to issue administrative citations of the Leaf Blowing Machine Ordinance after notice has been given.

### EXECUTIVE SUMMARY

It is recommended the City Council approve amendments to Chapter 9.37 of the Pasadena Municipal Code, regarding leaf-blowing machines, adopted in 1987. The proposed changes to the ordinance will further reduce the public nuisance created by leaf blowers to residents and to 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 and lowering the allowable maximum noise level.

At the City Council meeting held on February 14, 2000, the City Council recommended that the Agenda Report be forwarded to the Business Enterprise Committee for consideration. Staff presented the report to the BEC on June 14. Staff again met with the BEC on October 4<sup>th</sup> and made several changes to the original recommendation related to the use and enforcement of leaf blowers.

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**

### **Business Enterprise Committee Discussion**

At the City Council meeting held on February 14, 2000, the City Council recommended that the Agenda Report be forwarded to the Business Enterprise Committee for consideration. On June 14, staff presented the report to the BEC for the need to amend the Leaf Blowing Machines Ordinance. The BEC discussed the proposed ordinance changes and, subsequently, a letter was sent to El Centro de Accion for their comments on the amendments. Staff was requested to return to the BEC at a future date on items that were discussed. At the October 4th meeting of the BEC, staff recommended several changes:

1. Staff recommended that the distance between a commercial and residential property be increased to 500 feet, for a leaf blower to be used on a commercial property during after-hours. The BEC requested staff to re-evaluate the 200-foot distance requirement in consideration of multiple use projects planned for the City. Cities with similar ordinances (Palo Alto and Los Angeles) require a distance of 500 feet between commercial and residential properties for a leaf blower to be used during after-hours. Staff concurred that increasing the distance between residential and commercial properties to 500 feet would further reduce the noise level during after-hours. The 500-foot distance requirement would also be consistent with the City's Noise Ordinance, which requires construction-type equipment (jackhammer, forklift, cement mixer, etc.) be restricted during after-hours if within 500 feet of a residence.

2. Staff recommended deleting the recommendation requiring landscape gardeners to display their current business license stickers on their vehicles that would identify them as having met all Business License and Health Department requirements. Chapter 5.04.030 of the Pasadena Municipal Code already requires businesses to have license stickers on service industry vehicles (landscape gardening, carpet cleaning, pest control and retail food sales); retail and wholesale delivery vehicles; taxicabs, junk and solid waste collection vehicles. Staff recommended to the BEC that the need for new regulation was not needed at this time.
3. Staff recommended deleting the recommendation requiring the employer of a landscape gardener to assist the Public Health Department in notifying the gardener that a complaint was received. The use of the administrative citation process already holds landscape gardeners and property owners responsible for violating City codes. Staff recommended to the BEC that the need for new regulation was not needed and other remedies to correct violations can be used to ensure compliance by both property owners and landscape gardeners.

### **Ordinance 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 150 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 their 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, that bans 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.

#### **Change in Hours of Use**

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 500 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 500 feet of a residential property. Hours of use in a residential district is between 8:00 a.m. and 6:00 p.m. and 9:00 a.m. to 5:00 p.m. on Saturdays.

### **Change in Decibel Noise Level**

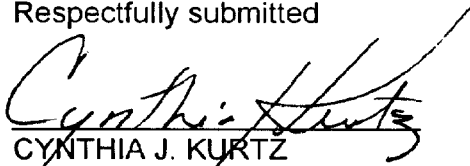
As the result of consumer demand for quieter leaf blowers, gardening equipment companies are already meeting the 65 decibels noise standard. A gardener using a late-model leaf blower will be required to purchase a new leaf blower or modify the existing leaf blower to meet the reduced noise level standard.

It is anticipated that lowering the maximum noise level from 70 decibels to 65 decibels will not have a significant economic impact on most landscape gardeners. Since 1987, the Public Health Department has allowed leaf blower owners to install a governor on the machines, to control the noise level, thereby avoiding purchase of a new leaf blower. Governors are effective in limiting the maximum noise level from leaf blowers, because they are permanent and cannot be easily adjusted by the user without removing them. The majority of gardeners have chosen to install governors on their leaf blowers to comply with the ordinance and the estimated one-time cost of the device to the gardener is \$30.00. To comply with the proposed 65 decibel noise level, the owner of a leaf blower with an existing governor could adjust the position of the governor so that the 65 decibel noise standard can be met without having to purchase a new leaf blower. The cost of a new leaf blower is approximately \$350.00.

**FISCAL IMPACT**

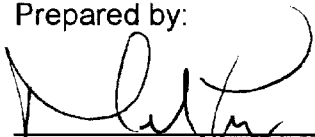
There are no changes being proposed which affect Business License or Health Department fees and charges.

Respectfully submitted




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