



AGENDA REPORT SUMMARY

Meeting Date: May 9, 2023

Subject: Gas Powered Leaf Blower Enforcement

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Initiated by:
City Council.

Fiscal Impact:
None.

Policy Question(s) for Council Consideration:

- Does the City Council wish to change the citation criteria for Gas Powered Leaf Blower violations?
- Does the City Council wish to modify the administrative citation amount for municipal code violations?
- Does the City Council wish to direct staff to draft an ordinance consistent with a proactive enforcement approach?

Staff Recommendation:

Provide staff with direction regarding the Enforcement of Gas-Powered Leaf Blowers.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



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Background

Gas-powered leaf blowers pollute the air, pose health risks to operators and residents, and generate noise which temporarily disrupts neighborhoods throughout Los Altos.

The City of Los Altos has banned the use of gas-powered leaf blowers since 1991 (32-years ago). The city's ban on gas-powered leaf blowers was last reviewed in early 2011 to determine if restrictions could be lessened to accommodate the landscaping industry or those persons already owning gas-powered blowers. At that time the City Council chose not to amend the ordinance or its process for enforcement of gas-powered leaf blowers. Again in 2017, the City Council review the gas-powered leaf blower ban for its effectiveness, and at that time no further action was taken to modify the City's practices.

Analysis

History

Prior to banning gas powered blowers, the City Council adopted an interim ordinance that allowed gas blowers that operate at 75 dBA when measured at 12.5 feet. The 12.5-foot distance was meant to represent the noise heard on the receiving property from the use of a blower on a neighboring property. A permitting system was developed to license acceptable units. The proposed licensing system was time intensive, difficult to administer and ineffective. A fee was collected to recover the cost of staff time involved. During the time the interim ordinance was in place it appeared that relatively few blowers could achieve acceptable noise levels.

The prohibition on gas-powered leaf blowers in Los Altos went into effect in June 1991. Following the adoption of the ordinance prohibiting these devices, a citizen's initiative was placed on the November 1991 ballot to allow the use of some gas-powered blowers. The initiative was rejected with 58.7% of voters opposed and 41.3% in favor.

In 2011, the City Council requested a staff report on the City's prohibition on the use of portable gasoline engine powered blowers, commonly referred to as leaf blowers. This report was received by Council, at which time, following public comments from three Los Altos residents opposing the elimination of the ban, Council requested that staff research how other cities were regulating these devices. The council also requested background information regarding a related voter initiative that was considered in 1991. The City Council considered this information on the February 8, 2011. Following public comments from 13 Los Altos residents opposing the elimination of the ban and further Council discussion, a motion was made to direct staff to review the use of these devices in non-residential areas and public spaces and bring back ordinance amendments for review. On March 8, 2011, staff presented draft ordinance permitting gas-powered blowers in commercial districts and on private property. The draft ordinance would continue to prohibit gas-powered blowers in



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residential districts and at private schools, religious facilities, and other similar community facilities. Following public comments from ten Los Altos residents opposing the elimination of the ban and Council discussion, a motion was made to take no further action. The motion passed unanimously.

Existing Ordinance

Los Altos Municipal Code Section 6.16.070

15. Portable gasoline powered blowers.

- a. Definition. Portable gasoline-powered leaf blowers are defined as portable power equipment that is powered by a self-contained fuel engine and used in any landscape, maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.
- b. Gasoline-powered blowers prohibited. Use or operation of portable gasoline powered leaf blowers within the city for any purpose except testing noise levels is unlawful and shall constitute an infraction, punishable as provided by law.

Enforcement

When a community member reports an alleged violation to the City, City staff, typically the Code Enforcement Officer, responds to the reported violation to investigate. Law requires the Code Enforcement Officer to personally witness the Municipal Code violation to enforce the regulation. If the Code Enforcement Officer witnesses the violation, they use discretion to determine the appropriate enforcement action. Enforcement can range from a verbal warning with a handout of educational material on the Municipal Code or the issuance of a citation. The fine accompanying a citation is \$100 for the first offense, \$200 for the second offense, and \$500 for the third offense.

Oftentimes, when a Code Enforcement Officer arrives at the scene of the violation, the operator is gone or no longer using the device. This is often the circumstance since leaf blowers are utilized at the end of landscaping work to clean up debris. If the operator is still on-scene but is not using the device, the Code Enforcement Officer can take the opportunity to educate the subject about the ban.

Discussion

Enforcing the City's ban has been problematic for a number of reasons, including high mobility and short duration of leaf blowers, limited code enforcement resources to follow up on complaints or pursue proactive enforcement, local regulatory challenges that require advanced notice or warning letters prior to citing a violator, and low penalty fees to violators if cited.

Increasingly, residents have grown frustrated by the lack of effective enforcement of gas-powered leaf blowers in residential areas. The city receives approximately 20-30 complaints regarding gas powered leaf blower violations each month.



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In addition to the challenges listed previously, even when a citation is issued the City has seen very few fines resolved. Lack of citation resolution is largely due to landscape operators not having a business license within the City of Los Altos and not being residents so enforcement of the payment of fines is problematic.

City staff has met with several residents and interested groups that are requesting increased enforcement of the gas-powered ban. Staff has been requested to look at what neighboring agencies are doing to address this issue and report back to the City Council to potentially modify the local regulations to further support enforcement efforts.

Considerations

As a result of staff's research, the following amendments to the Los Altos Municipal Code could be considered:

1. Modify the Municipal Code to clarify and assert the City's ability to assign property owner liability for knowingly hiring or allowing a person to use a gas-powered leaf blower on their residentially zoned property.
2. Modify the Municipal Code to authorize the enforcement of the gas-powered leaf blower ban by issuance of a citation at the first sighting. This will allow the City to proceed with enforcement action immediately thus obtaining code compliance.
3. Update the City's Administrative Citation schedule. Existing citation schedule is \$100 on the first offense, \$200 for second offense and \$500 for the third offense.
4. Create a standalone chapter within the Los Altos Municipal Code for the prohibition of gas-powered leaf blowers.
5. Integrate all provisions Assembly Bill 1346, and subsequent actions taken by the California Air Resources Board (CARB) which effectively prohibits the sale of gas-powered lawn care equipment by January 1, 2024.

Recommendation

Provide staff with direction on desired amendments to the Los Altos Municipal Code.