TO:    HONORABLE CITY COUNCIL

FROM:    CITY MANAGER    DEPARTMENT: POLICE

DATE:             AUGUST 7, 2006    CMR:320:06

SUBJECT:  GAS-POWERED LEAF BLOWER BAN ENFORCEMENT - ONE YEAR
STATUS REPORT

This is an informational report and no Council action is needed at this time.

BACKGROUND

On May 1, 2000, the City Council banned the use of gas-powered leaf blowers in residential areas effective July 1, 2002. On May 20, 2002, the City Council continued the effective date of the ban to July 1, 2005. The three-year deferment was to allow leaf blower manufacturers time to develop alternatives to combustion-powered leaf blowers (CMR:265:02). At its June 13, 2005 meeting, Council adopted the ban and requested that staff return after a year with a status report on the ban.

DISCUSSION

Enforcement Process - Prior to the July 1, 2005 effective date of the ban, staff indicated that due to limited staffing resources only one Community Service Officer (CSO) would handle leaf blower and other noise issues (CMR:281:05). Staff indicated enforcement would be done on a complaint basis. After the ban became effective, staff noticed that some residents were using the ordinance to deal with other issues. As an example, one person called in to report a violation of the leaf blower ordinance. The CSO investigated and determined that the alleged violator did not have a gardener, did not own a leaf blower, and that there were some other unresolved neighbor issues. As a result, staff decided that prior to any enforcement action, three calls from different reporting parties would be required prior to the CSO taking enforcement action.

Reporting parties are asked to provide the date, time and location of the violation, as well as a description and license plate of any associated vehicles. Additionally, reporting parties need to provide information regarding the type of equipment being used. The CSO receives the report and processes a warning or administrative citation as appropriate. Individuals or businesses receive two warnings before an administrative citation is issued. Warning letters are mailed to homeowners and gardening services when a professional gardening service is identified as the violator. This process allows homeowners the opportunity to correct the violation with their gardeners before a citation is issued.
In some instances, reporting parties are unable or unwilling to provide specific information about a suspected violation. The CSO schedules time to investigate these complaints by checking the location on the time and day of week that was reported to determine whether there is a violation. The CSO does spend some limited time in the field conducting pro-active leaf blower enforcement as workload and other duties allow.

Previously, complaints were tracked by location, limiting the Department’s ability to properly identify and warn violators in a timely manner. The CSO now records all complaints received into a special database. License plate information affords access to addresses and company names which are cross-referenced in the database. This tracking system allows the CSO to identify repeat offenders in the case of professionals who move from one location to another. Thus, a professional gardening company may generate two complaints at two different locations resulting in a final warning or citation being issued. The City Website provides information and reporting options, allowing both telephone and Internet access to report violations directly to the CSO.

The CSO devotes three to five hours a day to administrative duties associated with leaf blower and other noise complaints and approximately two hours per day to field work related to noise investigations. With the prohibition of gas-powered blowers in residential areas, staff is no longer issuing permits as originally regulated by the original ordinance. The CSO is also responsible for abandoned bicycle abatement, noise exception permits and temporary parking issues. Attachment One provides a comparison of the number of complaints between FY 2004/05 and 2005/06.

The administrative fine for each citation issued is one hundred dollars. Currently the fine does not increase with subsequent violations. Staff will be monitoring repeat offenders to determine if a progressive increase in fines would be warranted.

Impact on Gardening Businesses – Staff has heard from some gardeners and representatives from the Bay Area Gardener’s Association (BAGA) that since the ban has been in effect they have had to raise their rates, have lost clients, and have suffered significant economic losses. Staff requested specific information from BAGA about these losses on several occasions, but as yet has not received any specific information.

Many professional gardeners are employing gas-fueled generators to provide power for the electric leaf blowers. These generators are usually worn as a backpack or are stationary. In some cases, complainants have assumed that the backpack unit is a gas-powered leaf blower due to the noise that is generated from the generators. Those complainants were informed of the difference and advised of the lack of a violation. Ten complaints were received specific to the noise level associated with the gas-powered generators. The CSO conducted decibel readings in each of these cases and found that the level was just below 65 decibels and therefore in compliance with the ordinance.

Impact on City Operations – At the time the ban was implemented, the City Manager directed that the use of gas-powered blowers by City staff and contractors in all areas was prohibited, even though
commercial zones are exempt.

Public Works and Community Services have indicated that their increase in expense was lower than originally expected. The purchase of three generators and six electric blowers over the past year cost $1,380. The electric blowers tend to fail after three months of use, necessitating their replacement throughout the year at $80 per unit.

Staff has determined that electric blowers are not as efficient, thus increasing the time needed to accomplish their tasks. Rather than increase costs for contract services, frequency was reduced at various sites from daily to three times per week.

**Technology Update** - Several manufacturers of gas-powered leaf blowers advertise that their equipment meets or exceeds the California Air Resources Board standards for lower emissions. Manufacturer information from Stihl, Husquvarna and others list the noise output for these newer models in the range of 62 to 67 decibels per ANSI standards. The ANSI-attributed measurement is obtained at a distance of 50 feet. The Palo Alto Municipal Code prescribes that the measurement shall be obtained at a distance of 25 feet. While staff has not taken sound meter readings of the new equipment, staff does believe that measuring the decibel level at half the distance used by manufacturers will undoubtedly result in noise levels that exceed the maximum limit of 65 decibels.

**RESOURCE IMPACT**

The cost associated with the CSO who handles leaf blower complaints is approximately $76,682. As noted above, the City has expended approximately $1,380 for new equipment. To date, the City has received $3,400 in revenue associated with administrative fines.

**ATTACHMENTS**

Attachment One – Comparison of Complaints/Citations
Attachment Two – CMR:281:05

PREPARED BY: ________________________________
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DEPARTMENT HEAD: ________________________________
LYNNE JOHNSON
Police Chief
CITY MANAGER APPROVAL:

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EMILY HARRISON
Assistant City Manager
## Gas Powered Leaf Blower Enforcement Activity

### Fiscal year 2004/2005

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<tr>
<th>Quarter</th>
<th>Complaints Received</th>
<th>Citations</th>
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<td>21</td>
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### Fiscal Year 2005/2006

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<th>Final Letters</th>
<th>Warning Letters</th>
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<td><strong>YTD</strong></td>
<td><strong>559</strong></td>
<td><strong>559</strong>*</td>
<td><strong>107</strong></td>
<td></td>
<td><strong>34</strong>**</td>
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* Duplicate letters mailed to address of violation

** One gardening business cited for 3 separate violations

Nine gardening businesses each cited for 2 separate violations