TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: POLICE

DATE: MAY 20, 2002

CMR:265:02

SUBJECT: APPROVAL OF AMENDMENT TO PALO ALTO MUNICIPAL CODE CHAPTER 9.10 REGULATING LEAF BLOWERS EXTENDING PROHIBITION OF COMBUSTION-POWERED BLOWERS IN RESIDENTIAL AREAS UNTIL 2005

REPORT IN BRIEF

In 2000, the City Council adopted an amendment to Chapter 9.10 of the Palo Alto Municipal Code regulating leaf blowers. The first phase of the revisions requiring all commercial gardeners to receive training and to be certified to use gas-powered leaf blowers has been implemented. Another provision that would prohibit the use of gas-powered leaf blowers in residential areas is scheduled to become effective July 1, 2002. Due to the increased costs for the City and for the gardeners, staff is recommending that this effective date be postponed until July 2, 2005.
RECOMMENDATIONS

Staff recommends that Council amend Chapter 9.10 of the Palo Alto Municipal Code regulating leaf blowers to defer the prohibition of the use of combustion-fueled leaf blowers in residential areas from July 1, 2002 to July 1, 2005.

BACKGROUND

On May 1, 2000, the City Council adopted a revision to the leaf blower ordinance. A portion of the ordinance that became effective on January 1, 2001, requires all commercial operators be trained and certified on the ordinance and proper use of leaf blowers. Additionally, the ordinance allows the use of only City-approved leaf blowers. A secondary provision of the ordinance, which was to take effect on July 1, 2002, would prohibit the use of combustion-powered leaf blowers in residential areas.

Training and Certification of Commercial Users

In June 2001, Police Department staff met with representatives of the Bay Area Gardeners’ Association (BAGA) and the California Landscape Contractors’ Association (CLCA) to discuss the ongoing training and certification process. Prior to that date, the training and certification process had been administered by Police Department staff several times each month. To date, over 1,600 gardeners have been trained and over 1,100 have been certified. A decision was made to have BAGA take over administration of the process, with training/testing sessions being held at its Redwood City facility. A Police staff member usually attends the sessions and is responsible for correcting the tests and issuing the certification cards. An average of 30 gardeners per training session are being certified. As the number of gardeners requiring certification has declined since the process was initiated, testing is currently being conducted every other month. Representatives of both BAGA and CLCA have been very helpful in this process and have strongly advocated strict enforcement of the ordinance since the training and certification process has been implemented. Staff has recently learned that other cities in the area and throughout the State are looking at Palo Alto’s training and certification process as a way to more equitably deal with leaf blower issues.

Enforcement

Although provisions of the leaf blower ordinance became effective on January 1, 2001, the Police Department did not begin proactive enforcement until the first part of 2002, for several reasons. Staff had underestimated the numbers of commercial gardeners who would need to
be trained and certified. Due to the large numbers, the training/certification process took significantly longer than originally anticipated. A part-time Community Service Officer (CSO) position was approved in the FY 2000-01 budget to assist with the proactive enforcement. This position was filled in March 2001, and Council approval was obtained for enforcement authority for CSOs under the City’s administrative penalty process. Due to other changes in the noise ordinance regarding construction noise, training for CSOs and officers was delayed until December 2001. As a result, full proactive enforcement efforts actually began in the first part of this calendar year. Enforcement efforts have focused on use of approved blowers (checks of manufacturers’ labels and model numbers), gardener certification, and time and day of use.

The number of calls-for-service related to leaf blowers is decreasing. For the time period between January through April of this year, there were 37 calls-for-service compared to 48 for the same time in 2001. Using this number to forecast for the entire year, calls-for-service would total 89. This would compare to 131 for the entire year of 2001. This year, no warnings have been given, but seven citations were issued compared to five warnings last year and only one citation last year.

For the next few months, a police reserve officer will be used to enhance the proactive enforcement of the ordinance.

**DISCUSSION**

In previous status reports, staff discussed a $1.5 million grant awarded to the Los Angeles Department of Water and Power (LADWP) for the development of an alternative battery-powered blower. The original design of the new electric blower was 99 percent complete as of November 2000, and distribution of 1,500 pre-production test units was to occur by late fall or winter of 2001. Unfortunately, the LADWP project was delayed for at least a year, due to the selected manufacturer’s inability to produce the unit as designed. A representative of LADWP indicated the agency is preparing to award a contract with a manufacturer. If all goes well, it expects to see first generation production by February 2003. It has apparently solved the weight issue associated with the battery. However, due to the type of battery being considered, the cost for the blower and one battery is expected to be about $800. It is initially planning on providing these blowers to Los Angeles City crews and contractors. It is possible it may offer other governmental agencies the ability to purchase the blowers several years after that. While it currently has no plans to provide them to commercial gardeners, that possibility is being discussed with prospective manufacturers.
A year ago, only three manufacturers produced a total of six gas-powered leaf blowers that met the 65 dBA level. This year, there are four manufacturers that produce seven gas-powered blowers that are rated 65 dBA or less.

**Impact of Leaf Blower Prohibition**

The next phase of the ordinance, the complete prohibition of gas-powered leaf blowers in residential areas, is scheduled to take effect on July 1, 2002. Staff is recommending that Council postpone this provision of the ordinance until July 1, 2005. The reasons for this recommendation are two-fold. The ban of gas-powered leaf blowers in residential areas would result in a substantial financial impact on the City’s Community Services and Public Works Departments. Crews in both of these departments currently use City-approved gas-powered leaf blowers for a great deal of their work. In order to maintain the same level of cleanliness in the City, staff estimates that the ban on these blowers and the resultant switch to performing this work manually would increase costs by over $2 million. In light of the current economy and the City’s budget situation, staff is recommending the postponement of the leaf blower ban in order to avoid the substantial expense that the City would incur.

Secondly, because the technology which would enable the switch from gas-powered to electric or battery-powered leaf blowers is not yet available, a ban on gas-powered leaf blowers in residential areas would create a tremendous hardship on the part of commercial gardeners. In recent discussions with representatives from BAGA and CLCA, staff determined that many gardeners already have felt the effects of the economy as a number of their clients have discontinued their service. As a result of the current ordinance, almost all gardeners working in Palo Alto have already purchased the quieter, City-approved blowers. A prohibition of gas-powered blowers in residential areas would require gardeners to either raise their rates or reduce the number of clients in order to get the work done. Either alternative would pose significant financial problems for the gardeners.

While staff considered several alternative effective dates, the three-year postponement is recommended due to the following:

- While hopefully both the City and the country’s economic situation will turn around in the next year or so, there are still many uncertainties especially due to the State’s budget issues. Assuming the City’s financial situation improves for 2004, due to the number of cost savings strategies that the City has implemented, there will be a number of things that the City has deferred that would need to be addressed prior to costs associated with the prohibition of gas-powered leaf blowers. Some examples include the City’s deferment of the costs associated with the replacement of vehicles and computers for
another year and the freezing of 13 positions. Staff believes that the priority to address expenditures for those deferments would be higher than those associated with the prohibition of gas-powered leaf blowers. Additionally, the Council has been discussing a number of new programs and projects such as additional library staffing and other capital projects that will require funding. Staff believes that in three years, the Council will have more definitive information to use for prioritizing those programs and projects. The postponement until 2004 should allow ample time to address these concerns and issues.

- The information coming from LADWP about the development of a quieter, battery-powered leaf blower is encouraging. However, it will be at least another three years before other cities may be able to purchase them and another four years before commercial gardeners may be able to obtain them.

California Air Resources Board Report

In 1999, the California legislature requested that the California Air Resources Board prepare a report on the potential health and environmental impacts of leaf blowers to include recommendations for alternatives if alternatives were deemed necessary. A draft report was prepared and discussed at several public meetings. In February 2000, the final report was published. The report made no recommendations for alternatives and stated that, based upon the lack of available data, conclusions regarding the impacts of leaf blowers are premature. The report indicated that exhaust standards already in place have reduced exhaust emissions and manufacturers have significantly reduced carbon monoxide emissions further than required by standards. While the report included information that fugitive dust emissions were problematic, because there is not enough reliable data on the dust emissions from vacuums, brooms, and rakes, recommendations regarding alternatives to leaf blowers could not be made. The authors of the report suggested that a more comprehensive understanding of the noise and the amount of dust particulates would be obtained through a complete fugitive dust emission study. However, such a study would cost over $1 million to complete and would take two to three years to complete. To date, the Legislature has not directed such a study to be undertaken.

RESOURCE IMPACT

Attachment A depicts the projected increased costs for City crews and contractors to maintain the current level of cleanliness should the July 1, 2002 combustion-powered leaf blowers in residential areas remain in place. These costs are currently not in the proposed 2003-2004 budget. At the Finance meeting of May 6, 2002, the Committee tentatively approved the
postponement of the implementation date. Given the current economic situation, the implementation of this ordinance with the associated cost, would require a Budget Amendment Ordinance from the General Fund Budget Stabilization Reserve (BSR). This increase in expense would deplete the current projected surplus and would significantly impact the City’s ability to fund the General Fund Infrastructure Reserve, as this would draw the BSR below the target level and require that any surpluses be used to fund the BSR.

POLICY IMPLICATIONS

This recommendation does represent a change to the existing City policy that would prohibit the use of fuel-powered leaf blowers in residential areas effective July 1, 2002.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from the California Environmental Quality Act (CEQA) as it restricts the use the leaf blowers for environmental protection purposes.

ATTACHMENTS

Attachment A: Projected City Costs for 2003
Attachment B: Draft Ordinance

PREPARED BY:

LESLIE JENNINGS
Police Administrator

LYNNE JOHNSON
Assistant Police Chief

DEPARTMENT HEAD:

PATRICK DWYER
Chief of Police
Assistant City Manager
EMILY HARRISON
CITY MANAGER APPROPRIATION:

CITY MANAGER APPROVAL: ______________________________
EMILY HARRISON
# ATTACHMENT A
## PROJECTED CITY COSTS 2003
**WITH CURRENT JULY 1, 2002 PROHIBITION**

<table>
<thead>
<tr>
<th>AREAS BLOWERS USED</th>
<th>FREQUENCY</th>
<th>CURRENT COSTS</th>
<th>ESTIMATED COSTS</th>
<th>CONTRACTOR</th>
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<tr>
<td>City Parking Lots</td>
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<td>(Downtown, Civic Center, Cubberley)</td>
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<td>Misc. Parking Lots</td>
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<td>Dead Ends</td>
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<td>Downtown Sidewalks</td>
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<td><strong>Community Services</strong></td>
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<td>Tennis Courts</td>
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<td>Downtown Tree Wells</td>
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<td>Other City Facilities</td>
<td>3/week</td>
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<td>Athletic Fields</td>
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