



Administrative Report

DISCUSSION ITEM

TO: CITY COUNCIL

FROM: Jere A. Kersnar, City Manager

DATE REPORT PREPARED: March 3, 2009

MEETING DATE: March 10, 2009

SUBJECT: Ordinance Regarding Leaf Blowers

Recommendation

Direct staff to prepare an ordinance repealing Section 5-11.05 (e) of the Municipal Code, dealing with leaf blowers.

Discussion

At a recent Council meeting, a citizen complained about the use of gas-powered leaf blowers in his neighborhood, and specifically objected to the noise, pollution, and dust they can create. He noted that enforcement of the City restriction on such devices is virtually non-existent. His complaint is not isolated, in that staff has regularly heard similar complaints; as will be described in this report, however, enforcement is problematic.

As the speaker noted, the major objections to gas-powered leaf blowers seem to be the noise, pollution, and dust they can create. The City has enacted restrictions on leaf-blowers focusing on their noise, which are contained in the "Noise Standards and Regulations" Chapter of Title 5 of the Ojai Municipal Code; a copy of the Section on "Special Noise Sources" is attached. The leaf-blower sub-section is extensive and relatively complicated; by contrast, the more general sub-section (d), relating to "Gardening and domestic power tools", is straightforward: Such tools are prohibited between 6 p.m. and 8 a.m., and on holidays.

As to the noise impacts, it is unclear why the impacts of leaf-blowers are different (and thus deserve different regulations) than other small mechanized tools, such as lawnmowers, lawn edgers, and chainsaws. It would seem that the same prohibitions should apply to the whole range of small devices, as shown in sub-section (d).

Although gas leaf-blowers may be a source of air pollution, so are other small gas-powered devices. Air pollution regulations are developed and enforced regionally by the Air Pollution

Control District, and it would be at least difficult for an individual City like Ojai to have our own set of rules.

As far as the problems of dust, all leaf-blowers—gas and electric—can generate significant amounts of dust. If that is the problem, and leaf-blowers can be distinguished from other gardening tools in this regard, then it would seem that leaf-blowers should be banned entirely, in all zones. It seems likely, however, that such a ban would be opposed by gardeners, and their property-owner clients, because switching to other methods for leaf/debris removal would increase costs.

Whatever the regulation, enforcement can be problematic. In staff's recent experience, if we are able to respond to a leaf-blower complaint, by the time we arrive on scene the gardener has left. A more effective approach would probably be an education campaign directed at landscaping companies, with appropriate follow-up. However, at the current level of staffing for code enforcement, that approach is not possible. Code enforcement staffing could be increased substantially, and that is the subject of a related staff report on this agenda. Should Council choose to implement a full-time code enforcement position, a education/outreach/followup approach could be implemented, recognizing that 100% compliance is not possible.

Based on the foregoing analysis, the current leaf-blower restriction is unnecessary and ineffective. As long as the restriction is in place, an unrealistic expectation of enforcement is created. Given the current level of staffing, the more general hourly restriction on all gardening equipment is satisfactory. Further, the restriction is generally observed, as we have relatively fewer complaints of this violation. Thus, staff recommends that the current specific restrictions on leaf-blowers, contained in Section 5-11.05 (e) be repealed.

If, on the other hand, Council wishes to retain or expand the restriction, staff recommends that resources devoted to code enforcement be increased, at least to the level of a dedicated, full-time code enforcement officer.

Fiscal Impact

The fiscal impact of preparing an ordinance repealing Section 5-11.05 (e) would be minimal. The costs related to altering the level of code enforcement are included in the separate staff report on this subject.

Submitted by:
Jere A. Kersnar, City Manager

Approved for forwarding:
Jere A. Kersnar, City Manager

Attachment:
A – OMC Section 5-11.05 (e)