STAFF REPORT
SAN CLEMENTE PLANNING COMMISSION
Date: November 8, 2018

PLANNER: Amy Stonich, AICP, Contract Planner
SUBJECT: Regulation of Leaf Blowers. A City-initiated code amendment for regulation of leaf blowers.

BACKGROUND

On March 20, 2018, the City Council received a report regarding a potential update for leaf blower ordinance (Attachment 3). The Council directed that Staff and the Planning Commission develop a leaf blower ordinance for San Clemente. The Council indicated that they did not want to ban all leaf blowers, but to consider establishing regulations on gas-powered leaf blowers. Specifically, the Council directed staff to (1) reach out to stakeholders (e.g. landscape companies, South Coast Air Quality Management District, etc.); (2) obtain additional restrictions on enforcement processes from Code Compliance; (3) consider what other cities are doing as it relates to decibel levels; (4) evaluate hours of operation and gas versus electric blowers; (5) consider leaf vacuums versus blowers; (6) consider requiring leaves to be picked up and not simply blown; and to (7) review the City of Dana Point's leaf blower ordinance.

Overview Current City Regulations

The San Clemente Municipal Code (SCMC), Title 8, has regulations that may be associated with, but are not specific to, leaf blowers. As they could be applied to leaf blowers (or similar), these regulations include:

- Chapter 8.48, Noise Control
  - Blowers and fans
  - Noise sources associated with the maintenance of real property
  - City's weed abatement program
  - Exterior and interior noise standards
- Chapter 8.54
  - Fugitive dust control for commercial operations – exemption for weed abatement activity

Chapter 8.48.020 - Noise Control also defines "residential property" as "a parcel of real property which is developed and used for residential purposes, regardless of the underlying land-use developments, only that portion of the property used for residential purposes shall be considered residential property."

Attachment 2 includes the SCMC sections as referenced above.
DISCUSSION

Leaf blowers were introduced in the U.S. in the 1970’s. Drought conditions in California facilitated acceptance of the leaf blower as the use of water for many garden clean-up tasks was prohibited. The sales of gasoline-powered leaf blowers increased exponentially and, in response to complaints, many cities implemented ordinances either restricting or banning their use. There are generally three main concerns: leaf blowers produce exhaust emissions, re-suspend dust, and generate high noise levels.

In 2000, a Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers was developed by the California Air Resources Board (ARB) on the potential health and environmental impacts of leaf blowers and alternative leaf blower technology. According to the report, exhaust standards already in place have reduced exhaust emissions from the engines used on leaf blowers, and manufacturers have significantly reduced carbon monoxide emissions further than required by the standards. The ARB has no legislative mandate to control noise emissions, but the evidence showed that quieter leaf blowers would reduce worker exposures and protect hearing, and reduce negative impacts on bystanders.

Other than lawn mowers and weed trimmers (whackers), there are three general types of lawn and garden machinery that are typically used for efficiently moving leaves, grasses, dirt and other debris that exist in landscape environments. These are generally categorized as gas-powered leaf blowers, battery-powered leaf blowers, and leaf vacuums.

According to the ARB report, fumes and emissions are created by all gas-powered machinery (blowers and vacuums). All blowers (gasoline and electric) generate high noise levels that may be offensive and bothersome to some individuals.

City Council Direction

1. The Council indicated that they did not want to ban all leaf blowers, but to consider establishing regulations on gas-powered leaf blowers. Based on Council direction, staff reached out to stakeholders including local landscape companies and to the South Coast Air Quality Management District (SCAQMD). The SCAQMD focuses on clean air (not noise) and has two programs for replacement of gasoline-powered residential lawn mowers and commercial lawn and garden equipment. Basically, the public can receive a rebate or can participate in an incentive and exchange program. An equivalent operable gasoline or diesel powered piece of lawn or garden equipment must be scrapped when the new battery-electric equipment is purchased.

When staff reached out to local landscapers in San Clemente, they were asked how they utilize leaf blowers and their experience with gas-powered compared to battery-powered. Responses were consistently that gas-powered was preferred. Electric blowers do not have the same performance as gasoline powered leaf blowers. The limitation comes in the available power. Each of the landscapers had tried the battery-powered machines but
found that (1) they emitted a similar high pitched sound to the gas powered, (2) battery-powered was not as powerful as gas-powered, (3) batteries had to be changed out every 20 minutes which extended the time it takes to finish the work, and (4) found that it would take multiple batteries for larger areas which became an expense burden that outweighed any discounts for a rebate or exchange program. Additionally, the batteries cost 4-5 times more than gas because of the necessary investment in batteries.

City Maintenance services also utilize gas-powered blowers. Although they are exploring the possibility of utilizing battery powered blowers, they recognize the benefit of gas-powered. Specifically, they concurred with the local landscapers that blowing with a battery-powered blower would take at least twice as long with the need to change out batteries. While they hadn’t received complaints regarding noise, they had received complaints about sand that was inadvertently blown on cars.

2. Obtain additional restrictions on enforcement processes from Code Compliance. In drafting the leaf blower ordinance, staff also worked with the Code Compliance Division to obtain additional restrictions on enforcement processes. While there have been very few complaints received in San Clemente, it was indicated that they were typically in response to noise in the early morning.

When asked about the enforceability of their existing ordinance, a Code Enforcement Officer from the City of Dana Point said that it is difficult to enforce the decibel (dB(A)) measurements due to the complexity of the code. Rather, they rely on limitations in the hours of operation and inform the public about the hours that leaf blowers can be used.

3. Consider what other cities are doing as it relates to decibel levels. All new gas & electric blowers in California are required to be certified and to display a sound decibel label. As shown in the photo below, the American National Standards Institute ("ANSI"), provides manufacturer certification measured at 50 feet (standard B175.2-1996).
The following is a summary of research regarding other jurisdictions that have incorporated dB(A) levels:

**Dana Point, California.** In residential areas, leaf blowers are allowed from 9:00 a.m. to 5:00 p.m. Monday through Saturday (prohibited on legal holidays). Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is generally limited to not exceed a noise level of 65 to 70 dB(A) (depending upon the date of purchase).

**Culver City, California.** The city adopted an ordinance prohibiting the sale and use of leaf blowers with noise levels exceeding 65 decibels. The ordinance will become effective five years after its adoption (in 2022) to provide time for existing leaf blowers to deplete their useful life. Allowable hours of leaf blower operation are 8:00 a.m. to 6:00 p.m. Monday through Friday and 10 a.m. and 5:00 p.m. on Saturdays and Sundays. A comprehensive presentation on the leaf blower prepared by staff at Culver City is attached for reference (Attachment 3).

**Burlingame, California.** Burlingame’s leaf blower ordinance requires that all blowers be certified at 65 decibels, either by testing or by manufacturer rating. The city utilizes a pre-approved list by manufacturer from Consumer Reports wherein they were tested at 65 dB(A). The city allows blowers in designated residential areas with commercial blowers only one day per week 8:00 a.m. to 5:00 p.m. Residents may use blowers on Saturdays from 9:00 a.m. to 2:00 p.m. and Sundays from 10:00 a.m. to 2:00 p.m. in addition to their assigned weekday.

4. **Evaluate hours of operation and gas versus electric blowers.** As indicated above, local landscapers and city maintenance crews expressed a preference for gas versus electric blowers because they are more powerful as well as time and cost efficient.

The landscapers indicated that typical operational hours are mid-week from 7 a.m. until about 3 p.m. However, when asked if there was a limitation set on hours of operation of leaf blowers (i.e. 9 a.m. until 5 p.m.), they said they could certainly comply. However, City maintenance crews differed in their need to start earlier, at 7:00 a.m., in order to clear out City-maintained parks and right-of-way. It was noted that, restrictions to start at a delayed hour would inhibit their ability to complete park and street maintenance before people begin utilizing the facilities. Therefore, they expressed a preference to maintain the hours they currently utilize on city maintained property.

5. **Consider leaf vacuums versus blowers.** The local landscapers polled by staff were also asked about the use of a leaf vacuum. They indicated that these are as loud as a blower and were not as effective. Essentially, the vacuum would also extend the time it takes to cover the same area with a gas-powered blower because they would need to go back and pull out leaves and debris by hand.

6. **Consider requiring leaves to be picked up and not simply blown.** According to a report prepared by the California Landscape Contractors Association (CLCA), using rakes
and brooms as an alternative to gas blowers would increase cleanup time by five times. According to the report, in 1994 the City of San Luis Obispo assessed the time it would take for city crews to clear its parks and public buildings by hand as compared to a gas blower. The city’s maintenance supervisors estimated that their crews would take 50 hours to do work that took 10 hours with leaf blowers, and that much of the work would require the use of water. The report summarizes that essentially, public agencies and private owners would have to spend more time which equates to more money on outdoor work or they must accept a lower level of upkeep.

7. Review the City of Dana Point’s leaf blower ordinance. As indicated in the section above, the City of Dana Point adopted an ordinance which limits leaf blowers in residential, commercial, and recreational areas within two hundred feet of a residential area to later start hours (from 9:00 a.m. to 5:00 p.m.) Monday through Saturday (prohibited on legal holidays). It also sets limitations on noise levels not to exceed 65 to 70 dB(A), depending upon the date of purchase.

Draft Ordinance

The leaf blower ordinance has been drafted to accomplish the following:

1. Implement regulation on leaf blowers consistent with the City Council’s direction.

2. Provide clear and concise regulation to those who utilize leaf blowers.

3. Ensure smooth implementation and facilitate future enforcement of the code for Code Compliance personnel.

4. Allow continued ease of operation for City maintenance crews on City-maintained property.

The leaf blower restrictions will be incorporated in the appropriate sections of the code including:
- Section 8.48.020 – Definitions, to include “leaf blower” and “parcel”;
- Section 8.48.070(Q) – Specific noises, to include reference to leaf blower operation;
- Section 8.48.090(G) – Exemptions from Chapter, to include and exception for leaf blowers from the hours of operation applicable to maintenance of real property; and
- Chapter 8.64.190 – Leaf Blower Operation to include restrictions that apply to the use of leaf blowers.

The new Chapter will include regulation to address early morning operation. Allowable hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Saturday. It will also require leaf blowers to have affixed a sound decibel label that does not exceed 65 dB(A) measured at 50 feet, and the business name, address, telephone number, and business license number of the responsible party. The ordinance also takes into account that
anyone utilizing a leaf blower should operate it so as not to deposit debris on neighboring properties. Furthermore, all debris must be disposed of properly.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

The Planning Division completed an initial environmental assessment of the code amendment per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission recommend to the City Council that the project is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment.

RECOMMENDATION

A draft zoning amendment has been prepared that will amend Title 8, including definitions, specific noises prohibited and the addition of Chapter 8.64.190 – Leaf Blower Operation. Staff recommends that the Planning Commission:

1. Recommend that the code amendment is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) and is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment; and

2. Adopt Resolution PC 18-025, recommending that the City Council adopt a City-initiated code amendment for regulation of leaf blowers.

Attachments:

1. Resolution No. PC 18-025
   Exhibit A - Draft Ordinance
2. Current City Regulations (as applicable)
3. City Council Report March 20, 2018
RESOLUTION NO. PC 18-025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL MAKE CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.64.190 – LEAF BLOWER OPERATION.

WHEREAS the City Council desires to update and amend the provisions of the City’s noise control ordinance that are set forth in Title 8 of the San Clemente Municipal Code;

WHEREAS, on March 20, 2018, the City Council of the City of San Clemente received a report and presentation and heard public input regarding leaf blowers and directed staff and the Planning Commission to develop a leaf blower ordinance;

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the City Council determine the project exempt from CEQA on the determination that adoption of the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment;

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Planning Commission of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) because there is no potential to result in
significant environmental effects, as the ordinance clarifies the City's noise ordinance specific to leaf blowers, including limiting hours of operation.

Further, should the ordinance be considered a project, the Planning Commission hereby finds and determines it is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment. The Class 8 exemption specifically exempts from further CEQA review actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. The ordinance provides for protection of the environment through limiting the hours of operation for leaf blowers in order to reduce noise.

The Planning Commission also hereby finds and determines the ordinance is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15307 (Class 7): Actions by Regulatory Agencies for Protection of Natural Resources. The Class 7 exemption specifically exempts from further CEQA review actions taken by regulatory agencies for the maintenance, restoration, or enhancement of a natural resource. The ordinance protects natural resources through regulations imposed on the operation of leaf blowers.


Based on the entire record, including all written and oral evidence presented to the Planning Commission, and the findings made and evidence discussed in the staff report and this Resolution, the Planning Commission hereby recommends that the City Council adopt an Ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.64.190 – LEAF BLOWER OPERATION.”, set forth in Exhibit A attached hereto and incorporated here by reference.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on November 8, 2018.

________________________________________
Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on November 8, 2018, carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:
Secretary of the Planning Commission
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA
FINDINGS AND FOR A CITY-INITIATED AMENDMENT OF
THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE
8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER
8.64.190 – LEAF BLOWER OPERATION.

WHEREAS, the City Council desires to update and amend the provisions of the
City’s noise control ordinance that are set forth in Title 8 of the San Clemente Municipal
Code;

WHEREAS, on March 20, 2018, the City Council of the City of San Clemente
received a report and presentation and heard public input regarding leaf blowers and
directed staff and the Planning Commission to develop a leaf blower ordinance;

WHEREAS, on November 8, 2018, the Planning Commission of the City of San
Clemente held a duly noticed public hearing on amendments to San Clemente
Municipal Code Chapter 8.48, and considered evidence presented by City staff and
other interested parties and made a recommendation to the City Council as fully set
forth in Resolution No. PC 18-025;

WHEREAS, on ___ 1, 2018, the City Council held a duly noticed public hearing on
the subject recommendation, and considered evidence presented by City staff, and
other interested parties and the recommendation of the Planning Commission; and

WHEREAS, the Planning Division processed and completed an initial
environmental assessment for this code amendment in accordance with the California
Environmental Quality Act (CEQA). The City Council has determined that the project is
exempt from CEQA on the theory that adoption of the proposed ordinance is not a
project within the meaning of the term set forth in State CEQA Guidelines, section
15378(a) and 15061(b). Staff further recommends that the project be alternatively and
independently found categorically exempt from CEQA pursuant to State CEQA
Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection
of Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection
of the Environment.

NOW, THEREFORE, the City Council of the City of San Clemente hereby
ordains as follows:

Section 1: CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public
comments or testimony presented on this ordinance regarding leaf blowers, and the
facts outlined below, the City Council hereby finds and determines that:
The project is exempt from CEQA on the theory that adoption of the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment.

Section 2:

Section 8.48.020 - Definitions, is amended to include the definitions as follows:

8.48.020 Definitions.

"Leaf Blower" means any portable power equipment designed or operated to produce a current of air by fuel, electricity, or other means to push, propel, or blow dust, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris.

"Parcel" means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the Office of the County Recorder. Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.070(Q) - Specific noises prohibited, is repealed and replaced as follows:

Q. Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions. Leaf Blower Operation. Refer to Chapter 8.64.190.

R. Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions.

Section 8.48.090(G) – Exemptions from Chapter, is amended as follows:

G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.64.190) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
Chapter 8.64.190 – Leaf Blower Operation, is hereby added as follows:

1. With the exception of City-contractors performing work on City-maintained property, the use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday on any residential property (as defined in Chapter 8.48.020 - Definitions). For mixed-use, commercial, industrial, and recreational areas, within two hundred (200) feet of a residential property, the restricted hours of operation noted above shall apply. The use and operation of leaf blowers is further prohibited on a City recognized holiday. City-maintained property, including but not limited to parks, parkways, trails and right-of-way, shall be exempt from the restrictions on hours of operation listed above.

2. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersement by wind, vandalism, or similar means.

3. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, (4) their City-issued business license number, and (5) a manufacturer certification label from the American National Standards Institute ("ANSI") certifying the leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 4: The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.
APPROVED, ADOPTED AND SIGNED this __ day of __, 2018.

ATTEST:

__________________________________  __________________________________
City Clerk of the City of       Mayor of the City of San
San Clemente, California       Clemente, California
STATE OF CALIFORNIA  )
COUNTY OF ORANGE  ) ss.
CITY OF SAN CLEMENTE  )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. ______ having been regularly introduced at the meeting of __, 2018, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the __ day of __, 2018, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this __ day of __, 2018.

__________________________
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

__________________________
CITY ATTORNEY
Current Code Regulations (as applicable)

**Overview of Leaf Blowers and Regulations**

The City of San Clemente does not currently have an ordinance that directly addresses leaf blowers. The San Clemente Municipal Code (SCMC) Title 8 Noise Control, has regulations that may be associated with, but are not specific to, leaf blowers as follows:

8.48.070 – Specific noises prohibited:

G. Blowers and fans. The operation of any noise-creating blower or power fan, unless the noise from such blower or fan is muffled.

8.48.090 – Exemptions from Chapter

G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) a.m. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) a.m. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

H. Activities carried out under the City’s weed abatement program, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday.

8.48.020 - Definitions.

"Residential property" shall mean a parcel of real property which is developed and used for residential purposes, regardless of the underlying land-use zoning, other than transient uses such as hotels and motels. Where residential uses occur within mixed-use developments, only that portion of the property used for residential purposes shall be considered residential property.

8.48.050 - Exterior noise standards.

The following exterior noise standards, unless otherwise specifically indicated, shall apply to all property within the City. The Land Use category refers to the affected receiver property:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Allowable Exterior Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>7:00 a.m. to 10:00 p.m.</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. to 7:00 a.m.</td>
</tr>
</tbody>
</table>
Residential portions of mixed-use, or residences located on property zoned for commercial, industrial or manufacturing land use

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Allowable Interior Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>65 dB (A)</td>
</tr>
<tr>
<td>Industrial or manufacturing</td>
<td>70 dB (A)</td>
</tr>
</tbody>
</table>

* Standard only applies if commercial, industrial or manufacturing buildings are occupied during these hours.

8.48.060 - Interior noise standards.

The following interior noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City. The Land Use category refers to the affected receiver property:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Allowable Interior Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, including residential portions of mixed-use.</td>
<td>7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.</td>
</tr>
<tr>
<td></td>
<td>50 dB (A)</td>
</tr>
<tr>
<td></td>
<td>40 dB (A)</td>
</tr>
</tbody>
</table>

8.54.030 - Fugitive Dust Control Requirements.

A. ..... Except as set forth in subsection B of this section, no operator shall cause or allow visible fugitive dust emissions to be released from its site onto or over any other properties located within a residential zone in the City.

8.54.040 - Exemptions.

The provisions of this chapter shall not apply to:

F. Weed abatement activities.
AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: March 20, 2018

Department: Community Development Department, Planning Division
Prepared By: Carl Stiehl, Senior Planner
Subject: LEAF BLOWER ORDINANCE UPDATE

Fiscal Impact: None.

Summary: Staff recommends that the Council provide direction to Staff and the Planning Commission regarding a Leaf Blower Ordinance.

Background: On February 6, 2018 the Council requested consideration of a discussion of leaf blower regulations on a future agenda. The Council inquired about gas leaf blowers vs. non-gas leaf blowers, the City's use of leaf blowers vs. private citizen use of leaf blowers, and the City's enforcement of leaf blowers presently. The Council members requested research into leaf blower ordinances in other cities, including Los Angeles, Dana Point, Laguna Beach and Newport Beach. The Council directed that the Planning Commission consider the issue.

Discussion: The City currently has no ordinance in place specific to leaf blowers. The City has Noise Control within Title 8 – Health and Safety within City Code. The following are Noise Control Prohibitions and Exemptions found in Chapter 8.48 Noise Control that may currently be applicable to leaf blowers related to noise:

8.48.070 - Specific noises prohibited:
G. Blowers and fans. The operation of any noise-creating blower or power fan, unless the noise from such blower or fan is muffled.

8.48.090 - Exemptions from Chapter
G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

Different types of Leaf Blowers

In comparing gas powered leaf blowers vs non-gas (electric) leaf blowers, in general, gas leaf blowers are heavier, cost more, require more fueling, more maintenance and are the most noisy. Electric blowers cost less, generally weigh less and are less noisy. In general the advantage to gas leaf blowers is that they tend to be more powerful for
blowing leaves than electric leaf blowers. City Public Works maintenance crews currently use gas powered leaf blowers. As part of preparation of an ordinance, staff would conduct additional outreach related to the private use of leaf blowers.

**Leaf Blower Exchange Program**

Since 2006, the South Coast Air Quality Management District has an annual leaf blower exchange program where people can turn in their gas powered leaf blowers in exchange for a discounted electric leaf blower. The purpose of the program is to eliminate noisy, high-polluting back pack leaf blowers for new low emission/low noise backpack leaf blowers. This program already contributes to reducing both noise and emission impacts within the City.

**Other Jurisdiction Research**

The following is a summary of research regarding other jurisdictions for reference. For additional information on each jurisdiction and a Code Enforcement Association Survey on leaf blower bans, please see Attachment 1.

**Los Angeles**
Municipal Code bans the use of the gas powered leaf blower device to minimize the nuisance and health related problems attributed to this type of equipment.

**Newport Beach**
Gas leaf blowers are prohibited in residential neighborhoods with some exceptions, such as a common interest development of five or more units may opt-out of the leaf blower prohibition.

**Dana Point**
In residential areas, leaf blowers are prohibited except from 9:00am to 5:00pm Monday through Saturday. Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is further limited to specific noise levels.

**Laguna Beach**
Both gas and electric leaf blowers are banned within city limits.

**Staff Recommendations**
Related to preparing a leaf blower ordinance, staff would recommend the following considerations, should the issue be referred to the Planning Commission:

- Outreach to potential stakeholders related to the ordinance, such as local landscaping companies and the South Coast Air Quality Management District.
- Discussion with Public Works regarding replacing City maintenance crew gas powered leaf blowers with electric leaf blowers.
• Discussion with Code Compliance regarding preferred methods for enforcement related to leaf blowers, should additional restrictions be proposed in an ordinance.
• Preparation of a draft ordinance related to direction from City Council and research from other jurisdictions for the Commission’s consideration.

**Climate Action Plan**

Reducing gas powered leaf blowers in the City by either replacing them with electric blowers or eliminating them, contributes in part to reducing greenhouse gas emissions in the City related to the implementation of the Climate Action Plan helping to meet future emission reduction targets.

**Recommended Action:** STAFF RECOMMENDS THAT THE CITY COUNCIL PROVIDE DIRECTION TO STAFF AND THE PLANNING COMMISSION REGARDING A POTENTIAL LEAF BLOWER ORDINANCE.

**Attachments:**
1. Code Enforcement Association Survey Re: Leaf Blowers

**Notification:** N/A
Other Jurisdiction Research

The following is research regarding other jurisdictions for reference:

**Los Angeles**

Los Angeles Municipal (LAMC) Section 112. 04 (c) bans the use of the gas powered leaf blower device to minimize the nuisance and health related problems attributed to this type of equipment.

112.04(c) LAMC: The following ordinance became effective on February 13, 1998: "No gas powered blower shall be used within 500 feet of a residence at anytime. Both the user of such a blower as well as the individual who contracted for the services of the user if any, shall be subject to the requirements of and penalty provisions for this ordinance. Violation of the provisions of this subsection shall be punishable as an infraction in an amount not to exceed One Hundred Dollars ($100)." This section does not preclude anyone from using other devices such as a gas powered vacuum device or electric leaf blower.

**Newport Beach**

Gas leaf blowers are prohibited in residential neighborhoods with some exceptions (see below).

To protect residents from nuisance and excessive levels of noise, and to promote comfort, safety, and welfare, the City has adopted an ordinance prohibiting the operation of gas-powered leaf blowers in residential neighborhoods.

However, the City acknowledges that some common interest development's operating rules and regulatory framework can more closely address neighborhood impacts of leaf blowers and other exterior maintenance equipment. Therefore, a common interest development (as defined by Civil Code Section 1351) of five or more dwelling units may choose to opt-out of the Gas-Powered Leaf Blowers Ordinance by completing an online request.

**Dana Point**

6.20.012 Regulations on Leaf Blower Operation.

(a) In residential areas, the use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday. The use and operation of leaf blowers is further prohibited on any day which is a legal holiday identified
in this Code. For commercial, industrial, and recreational areas within two hundred (200N) feet of a residential area, the restricted hours of operation noted above shall apply.

(b) It shall be unlawful for any person operating a leaf blower to create any noise exceeding the following decibel levels when measured at a distance of fifty (50N) feet from such leaf blower:

(1) New leaf blowers purchased, leased, or rented on or after a date three (3) months from the effective date of this Chapter shall not exceed a noise level of 70 dba.

(2) New leaf blowers purchased, leased, or rented on or after forty-eight (48) months from the effective date of this Chapter shall not exceed a noise level of 65 dba.

(3) All leaf blowers other than those specified at Subparagraphs (1) and (2) hereinabove shall not exceed a noise level of 70 dba on or after one year from the effective date of this Chapter.

(c) Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersion by wind, vandalism, or similar means.

(d) Each commercially operated leaf blower shall have affixed on it the business name, address, and telephone number in a clear, identifying manner.

**Laguna Beach**

Both gas and electric leaf blowers are banned within city limits.

7.25.070 Real property maintenance noise regulations.

(D) The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits.
| QUESTIONS                                                                                                                                                                                                                                                                 | CITY OF HERMOSA BEACH                                                                                                                                                                                                                                                                 | CITY OF HUNTINGTON BEACH                                                                                                                                                                                                                                                                 | CITY OF LONG BEACH                                                                                                                                                                                                                                                                 | CITY OF SANTA MONICA                                                                                                                                                                                                                                                                 | CITY OF BURBANK                                                                                                                                                                                                                                                                 | CITY OF DTLA                                                                                                                                                                                                                                                                 | CITY OF SAN GABRIEL                                                                                                                                                                                                                                                                 | CITY OF UPLAND                                                                                                                                                                                                                                                                 | CITY OF OCEANO BEACH                                                                                                                                                                                                                                                                 |
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The text provided seems to be mixed content with questions and answers. It appears to be part of a larger document or report that might be discussing various aspects of a city's housing, costs, and other economic factors. However, without the full context, it's challenging to provide a coherent interpretation or answer to the questions.
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