



**OFFICE OF THE
CITY ATTORNEY**

SHARON SIEDORF CARDENAS
CITY ATTORNEY

THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY

SR. DEPUTY CITY ATTORNEYS:
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO

**CITY OF SACRAMENTO
CALIFORNIA**

921 TENTH STREET
SUITE 700
SACRAMENTO, CA
95814-2717

PH. 916-449-5346
FAX 916-449-6755

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DEPUTY CITY ATTORNEYS:
EVELYN M. MATTEUCCI
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
RICHARD E. ARCHIBALD
TIMOTHY N. WASHBURN
SABRINA M. THOMPSON
JOSEPH McINERNEY
JOE ROBINSON
LESLIE R. LOPEZ

**Law and Legislation Committee
Sacramento, California**

SUBJECT: Regulation of Leaf Blowers

Honorable Members in Session:

SUMMARY

This report describes the range of leaf blower regulations enacted in other municipalities, and the anticipated review of leaf blowers by the Environmental Commission in the context of reviewing the Sacramento City and County noise ordinances. Staff recommends that the Committee determine whether to pursue a City ordinance now or wait for a report from the Environmental Commission. If the Committee desire to pursue a City ordinance, staff asks for direction as to ordinance provisions desired by the Committee.

BACKGROUND

Several members of the City Council, including Committee member Josh Pane, have expressed interest in regulating or prohibiting the use of leaf blowers within the City of Sacramento. Most of this interest arises due to the loud noise made by this type of equipment.

Under the current City noise ordinance (Chapter 66 of the City Code), the operation of a noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids is unlawful, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden the noise. This provision, perhaps because of inadequate enforcement or because effective mufflers are not available, has not prevented annoying leaf blower noise in both residential and commercial areas. Other provisions limit the use of leaf blowers to between 7:00 a.m. and 10:00 p.m., but this limitation does not prevent annoyance of many persons during the permitted hours.

Use of leaf blowers implicates air pollution issues as well as noise issues. Gasoline-powered blowers emit pollutants. It has also been reported that the process of blowing the leaves results in the stirring of contaminants into the air, sometimes including asbestos that has been deposited on city streets from automobile brake linings.

According to staff in the Sacramento County Environmental Management Department, Environment Health Division, the Sacramento Environmental Commission is expected soon to explore revision of the City/County noise control ordinances. Regulation of leaf blowers would be one of the items considered. The Environmental Commission also is an appropriate body to consider air pollution impacts of leaf blowers. Proponents of a leaf blower regulation may want to delegate study of the matter to the Environmental Commission. The Environmental Commission and its staff have expertise in these subject areas which probably is not duplicated among City staff.

Listed below are some of the issues addressed by other communities who have regulated or outlawed leaf blowers. If the Committee wishes to move forward at this time, it would be appropriate to provide direction to staff relating to provisions the Committee would like to see in an ordinance.

1. Should the ordinance affect the use of gasoline-powered leaf blowers only, or should electric powered blowers also be regulated?
2. Should use of the blowers be prohibited entirely, or should restrictions on use be imposed?
3. If restrictions on use are selected in preference to a complete prohibition, should the restrictions relate to where use is permitted (e.g., in commercial but not residential areas)?
4. Should restrictions relate to days and/or hours during which use will be permitted?

The following is a brief description of the regulations enacted by several municipalities:

City of Piedmont: All use prohibited, except by public agencies on publicly-owned or operated facilities.

City of Los Angeles: No use between 10:00 p.m. of one day and 7:00 a.m. of the next day in a residential zone or within 500 feet of a residence.

City of Los Altos: Occupants of a residential property may use portable gasoline powered leaf blowers between 9:00 a.m. and 5:00 p.m. Monday through Saturday. Service providers may use portable electric powered leaf blowers between 9:00 a.m. and

5:00 p.m. Monday through Friday. Beginning July 1, 1992, no gasoline powered leaf blower may be used by anyone unless its noise does not exceed 75 DBA measured 12.5 feet from the source. Between 5:00 p.m. of one day and 9:00 a.m. the next day, no portable electric powered blower shall be used so as to create a noise disturbance across a residential or commercial real property line.

City of Belvedere: No use of gasoline powered leaf blowers permitted.

FINANCIAL DATA

None.

POLICY CONSIDERATIONS

None.

MBE/WBE

Not applicable.

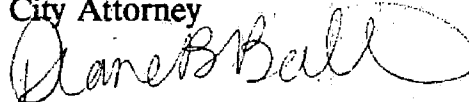
RECOMMENDATION

It is recommended that the Law and Legislation Committee review this report relating to regulation of leaf blowers and determine whether to move ahead with a City regulation or to ask the Environmental Commission to review the matter and make a recommendation to the City Council. If the Committee desires to move ahead with a City regulation, it is recommended that the Committee provide direction to staff relating to the provisions to be included in the ordinance.

Respectfully submitted,

SHARON SIEDORF CARDENAS

City Attorney



DIANE B. BALTER

Deputy City Attorney

Contact Person to
Answer Questions:
Diane Balter, Deputy City Attorney
449-5346

Law and Legislation
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All Districts