



City of Culver City

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Staff Report

File #: 18-986, Version: 1

Item #: A-2.

CC - (1) Discuss Amendments to Culver City Municipal Code §9.04.015 *Prohibited Public Nuisance Conditions on Real Property* to Prohibit the Use of Leaf Blowers with Noise Levels Exceeding 65 Decibels; and (2) Direction to City Manager as Deemed Appropriate

Meeting Date: August 14, 2017

Contact Person/Dept: Joe Susca/Public Works Administration

Phone Number: 310-253-5636

Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☒ No ☐

Public Hearing: ☐

Action Item: ☒

Attachments: ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/09/17); (E-Mail); Robert Hirschhorn (07/12/17); Matthew Prater (07/17/17); William & Tarra Kardaras (07/17/17); The Culver City Chamber of Commerce (07/17/17); the Downtown Business Association (07/17/17); the Following E-Mail Distribution List Subscribers: Sustainability / Environmental Issues and Public Notifications (07/17/17).

Department Approval: Charles D. Herbertson (07/13/17)

RECOMMENDATION

Staff recommends the City Council (1) discuss amendments to Culver City Municipal Code (CCMC) §9.04.015 -- *Prohibited Public Nuisance Conditions on Real Property* to prohibit the use of leaf blowers with noise levels exceeding 65 decibels; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

Currently, CCMC Section §9.04.015 -- *Prohibited Public Nuisance Conditions on Real Property* (Code) requires leaf blower operators to obtain a permit prior to their use. The permit requires:

1. Leaf blower operation to be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday-Friday and 10:00 a.m. to 5:00 p.m. on weekends and holidays.

2. Each leaf blower be equipped with a muffler and nozzle extender.
3. Leaf blower operation to be limited to the lowest possible speed to minimize the amount of noise they generate.
4. That only one leaf blower be operated at a residence at a time.
5. Leaf blower operators to avoid blowing debris into the open doors and windows of nearby residences.
6. Debris that is blown into the street or neighboring premises be raked, picked up and disposed of.

The City may revoke any permit if the operator is found to be in violation of these requirements. (See Attachment No. 1 - CCMC §9.04.015 and Permit Application)

Since 2012, the City has received seven complaints regarding leaf blowers. Three were related to leaves being blown into the street without being removed, two were noise ordinance violations, one was difficulty breathing due to fumes and the remaining one was operating without a permit.

In 2000, Temple University in Philadelphia completed a sound study that revealed the following comparisons:

- Conversation at home/restaurant: 50-60 decibels
- Vacuum cleaner: 70 decibels
- Leaf Blowers: 65 to 80 decibels
- Garbage Disposal/Food Blender: 80-88 decibels
- Motorcycle: 90 decibels
- Lawn Mowers: 90-96 decibels
- Ambulance Siren/Chain Saw: 120 decibels

In December 2016, 19 residents from the 6124 Buckingham Parkway condominium complex submitted a letter to the Sustainability Subcommittee requesting they consider adopting a citywide ban on the use of leaf blowers as a result of the emissions, dust, and noise they generate (See Attachment No. 2 - 6124 Buckingham Parkway Letter). In response, the Sustainability Subcommittee instructed staff to investigate what other cities do in response to similar complaints and to study the impact a ban would have on the City.

In 1999, the California Landscape Contractors Association (Association) performed a study that concluded a fivefold increase in the amount of time needed to remove debris through use of a rake or broom when compared to a leaf blower. The Association also determined that most customers would be unable or unwilling to pay the increased cost to cover the additional labor and that as a result, the frequency of debris removal would be significantly reduced.

A 55-cities survey revealed that six of them ban the use of all leaf blowers, 26 ban the use of gasoline powered models only and 22 restrict their use to certain times of the day (including Culver City). Staff also conducted its own survey of nine southern California cities who implemented some form of leaf blower ban to determine the impact it had to their code enforcement operations. The survey revealed a high volume of complaints were received in the communities which ban their use, with

many indicating they had to hire additional staff to respond to them. (See Attachment No. 3 -- Survey of Other Cities)

During their meeting of April 19, 2017, the Sustainability Subcommittee obtained input from the community and received a presentation from staff that outlined the adverse impacts a ban on leaf blowers would have to City operations. The primary impact would be a 60% increase in labor costs necessary to hire an additional crew to rake or broom sweep City parks instead of using leaf blowers. The report also concluded that wood fiber and asphalt playgrounds could not be effectively raked or swept and that the 25-minute battery life of electric leaf blowers made their use impractical. (See Attachment No. 4 Staff Leaf Blower PowerPoint Presentation.) Staff also reported that advancements in gasoline powered leaf blower design have reduced their emissions and their noise levels to as low as 62 decibels and that the typical life of a commercial grade leaf blower is a few years whereas a residential grade model that is used once per week could last many years.

The Downtown Business Association submitted a letter supporting measures that control the time, place and manner in which leaf blowers are operated however, they do not support a ban on their use, stating they are an essential tool used by Chrysalis, the property maintenance firm hired to clean downtown.

Upon conclusion of the discussion, the Sustainability Subcommittee:

1. Unanimously recommended the City Council consider amending the CCMC to prohibit the operation of leaf blowers with noise level exceeding 65 decibels, provided the effective date be delayed by five years to allow existing equipment to deplete its useful life.
2. Split on whether or not to amend the CCMC to prohibit businesses from selling leaf blowers with noise levels exceeding 65 decibels.

If the City Council instructs staff to prepare an Ordinance amending the CCMC to prohibit the sale of leaf blowers, staff recommends that its effective date be delayed by six months to allow time for lawn equipment firms, hardware stores and other retailers to dispose of their inventory. Staff also recommends that persons who violate the Ordinance be subject to the penalties and other provisions contained in CCMC Title 1, Chapter §1.01 *General Provisions* and Chapter §1.02 *Administrative Citations*.

CEQA:

The California Environmental Quality Act (CEQA) mandates an environmental assessment of government actions that may have an effect on the environment. There are limited government actions that have been determined not to have an effect on the environment, and those actions have been declared to be exempt from the provisions of CEQA. Such exemptions include actions taken by a government agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment (CEQA Guidelines Section 15308). An action to amend the CCMC as discussed herein would qualify for such exemption.

FISCAL ANALYSIS

To maintain the existing frequency of debris removal at City parks and facilities through raking and sweeping instead of using leaf blowers, the Parks, Recreation and Community Services Department anticipates an additional 12-member crew would need to be hired at an initial equipment cost of \$88,000 and a recurring annual cost of \$1,004,501 to cover their salaries.

Amendments to the CCMC would impact up to 350 Culver City-based gardeners, maintenance service companies, property management firms, hardware stores, lawn equipment firms and other retailers. At a minimum, it would cost \$200 to print and mail letters to these businesses to notify them of the CCMC changes.

ATTACHMENTS

1. CCMC §9.04.015 -- *Prohibited Public Nuisance Conditions on Real Property* and Permit Application.
2. 6124 Buckingham Parkway Letter
3. Survey of Other Cities
4. Staff Leaf Blower PowerPoint Presentation

MOTIONS

That the City Council:

1. Discuss a ban on the sale and use of leaf blowers with noise levels exceeding 65 decibels; and
2. Provide direction to the City Manager with regard to the following restrictions, to be included in a proposed ordinance amending the CCMC:
 - i. Prohibition of the operation of a leaf blower with a noise level exceeding 65 decibels to be effective five years after its adoption; and
 - ii. Prohibition of the sale of leaf blowers with noise levels exceeding 65 decibels to be effective six months after its adoption; or
3. Provide other direction to the City Manager as deemed appropriate.