TO: HONORABLE MAYOR AND CITY COUNCIL

THRU: CAROLYNN PETRU, INTERIM CITY MANAGER /s/

FROM: KEN RUKAVINA, COMMUNITY DEVELOPMENT AND PUBLIC WORKS DIRECTOR /s/

SUBJECT: ADOPTION ON SECOND READING OF ORDINANCE NO. O19-737; AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTION 8.28.040 OF THE MUNICIPAL CODE REGULATING THE USE OF LEAF BLOWERS

DATE: SEPTEMBER 10, 2019

ISSUE

Shall City Council adopt upon second reading Ordinance No. O19-737 amending Municipal Code Section 8.28.040 to define and regulate the use of leaf blowers within the city?

BACKGROUND & ANALYSIS

Use of leaf blowers are currently regulated by Palos Verdes Estates Municipal Code (PVEMC) Section 8.28.030 and Section 8.28.040, summarized as follows:

- Leaf blowers cannot produce a noise level of above 70 decibels measured at a distance of 50 feet.
- Leaf blowers can only be operated at the following days and times:
  - Monday through Thursday from 7:00 a.m. to 7:00 p.m.;
  - Friday from 7:00 a.m. to 5:30 p.m.; and
  - Saturday from 9:00 a.m. to 5:00 p.m.

On July 23, 2019, staff introduced on first reading Ordinance No. O19-737 proposing to ban the use of gas-powered blowers in the R-1 and R-M Zones, prohibit electric blowers that produce a noise level of
above 65 dB (in compliance with American National Standards Institute STANDARD B175.2), and further limit blower hours of operation. The proposed ordinance as originally drafted also provided a 90-day phase-in period. At the conclusion of deliberations, City Council directed staff to retain the hours of operation currently enforced in PVEMC 8.28.030 for all construction noise, reintroduce requirements for personal protective equipment (PPE), provide an extended phase-in period of 120 days (instead of 90 days).

Further research was performed on the 36 cities researched in previous staff reports relating to PPE. It was found that none of the previously researched 36 cities explicitly require specific PPE, but four cities require compliance with California Department of Industrial Regulations, Division of Occupational Safety and Health (Cal/OSHA) by reference, including Long Beach, Manhattan Beach, Sacramento, and Solana Beach. CalOSHA requires eye protection and also requires hearing protection for noise levels above 85 dB. Leaf blower noise at 50 feet ranges from 64 to 78 decibels, but at the operator's ear, it consists of levels from 95 to 115 decibels. Thus, staff included requirements for compliance with CalOSHA within the proposed ordinance.

**Final Proposed Ordinance**

Ordinance No. O19-737 (Attachment A) amends PVEMC to prohibit the use of gas-powered blowers in the R-1 and R-M zones, and restricts the hours of operation to the following days and times (as indicated currently in PVEMC 8.28.030):

- 7:00 a.m. to 7:00 p.m. Monday through Thursday
- 7:00 a.m. to 5:30 p.m. Friday
- 9:00 a.m. to 5:00 p.m. Saturday

The ordinance requires operators of leaf blowers to comply with Cal/OSHA Standards §1910.133 (Eye and Face Protection) and §1910.95 (Occupational Noise Exposure). The phase-in period is 120 days.

**Compliance**

The Air Quality Management District (AQMD) provides several resources for commercial gardeners and landscapers. Local government agencies, school districts and colleges, and non-profit organizations are eligible to participate in incentive programs that reduce the purchase price of commercial battery electric lawn and garden equipment, with information available at the link below, including eligibility requirements, process details, a price table, and a list of vendors. The second link specifies authorized dealers within Los Angeles County. AQMD provides information in both English and Spanish.

FISCAL IMPACT

There are no costs associated with implementing a revised, more restrictive ordinance pertaining to leaf blowers. Unless the City were to hire additional resources, there are no additional costs for code enforcement; however, higher priority cases may limit the amount of enforcement. The proposed education campaign will incur costs for staff time to write copy, as well as the cost to print and advertise information on the new regulations.

NOTIFICATION

The agenda for this meeting has been posted in the customary locations and in compliance with the Municipal Code.

RECOMMENDATION

It is recommended that the City Council adopt upon second reading Ordinance No. O19-737 amending Section 8.28.030 of the Municipal Code to regulate the use of leaf blowers.

ATTACHMENTS

A. [Final Proposed Ordinance No. O19-737]
B. [Proposed Ordinance No. O19-737 (final revisions in redline)]
C. [PVE Municipal Code Sections 8.28.030 (Noise from Commercial Operations) and 8.28.040 (Leaf Blowers)]
D. City Council Staff Report – July 23, 2019
E. City Council Staff Report – May 14, 2019
F. City Council Staff Report – February 12, 2019
G. Public Correspondence
 ORDINANCE O19-737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING SECTION 8.28.040 (LEAF BLOWERS) OF CHAPTER 18.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) OF THE CITY’S MUNICIPAL CODE REGULATING THE USE OF LEAF BLOWERS

The City Council of the City of Palos Verdes Estates does hereby ordain as follows:

Section 1. Section 8.28.040 (Leaf Blowers) of Chapter 18.28 (Noise) of Title 8 (Health and Safety) of the Palos Verdes Estates Municipal Code is hereby amended to read as follows:

8.28.040 Leaf Blowers.

A. Definitions.

1. “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, trimmings or other debris.

2. “Parcel” means an area of real property as defined by the Los Angeles County Recorder.

B. Prohibited Use. The use of a Leaf Blower in the following manner is prohibited:

1. Any gasoline-powered Leaf Blower within lots zoned R-1 (single-family residential) or R-M (multifamily residential).

2. Any electric or battery-powered Leaf Blower that creates a noise level more than sixty-five (65) decibels; and

C. Permitted Hours. No person shall operate an electric or battery powered Leaf Blower within lots zoned R-1 or R-M at any time other than the days, times, or hours permitted in PVEMC 8.28.030. The use of any Leaf Blower is prohibited on Sunday.

D. General Requirements for use of Leaf Blowers.

1. No leaves or other debris shall be left in or upon any adjacent or other parcel, street, or public right-of-way.

2. After Leaf Blower use, debris shall be disposed in trash receptacles.
E. Requirements for use of Leaf Blowers in residential areas.

1. No Leaf Blower shall be operated for more than fifteen (15) minutes per hour on any one Parcel.

2. Only one (1) Leaf Blower shall be operated per Parcel at any one given time.

3. The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of dust.

4. Leaf Blowers shall be in proper working order, and all manufacturer’s noise and dust control equipment on the Leaf Blower shall remain on the Blower and be in operating condition.

5. Any Leaf Blower shall be subject to inspection by the City, and any Leaf Blower operator is, upon request, required to present appropriate documentation from the manufacturer evidencing compliance with noise level and power source regulations.

6. Additional restrictions are set forth in Subsection D of this chapter.

F. Safety Requirements for Leaf Blower Operators. Operators of Leaf Blowers shall comply with the California Department of Industrial Regulations, Division of Occupational Safety and Health (Cal/OSHA) Standards §1910.133 (Eye and Face Protection) and §1910.95 (Occupational Noise Exposure).

G. Exceptions. This section shall not apply in the following circumstances:

1. On City-owned property pursuant to a concession agreement,

2. In conjunction with operations by City forces or City contractors; and

3. On commercial zones properties.

H. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, except that notwithstanding any other provision of this section, any violation constituting a misdemeanor under this chapter may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction.

Section 2. Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, the City Council 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.
Should the ordinance be considered a project, the City Council hereby finds and determines it is categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”). The project is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Sec. 15307 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource, specifically air quality and noise, where the regulatory process involves procedure for protection of the environment. This Ordinance does not contemplate any construction activities, and there is no evidence to suggest that the Ordinance will result in a significant impact on the environment, including impacts due to unusual quality and noise resources in the City, and there is no evidence to suggest that the Ordinance would in cumulative adverse environment impacts. Based on the foregoing and other substantial evidence in the record, the City Council hereby finds and determines that the Ordinance is exempt from the provisions of CEQA, pursuant to State CEQA Guidelines Section 15307. Further, as a separate and independent ground, the City Council finds that the ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Section 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance of the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declared that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. This ordinance shall take effect one-hundred twenty (120) days after the date of its passage and, prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law.

PASSED, APPROVED, AND ADOPTED this 10th DAY OF SEPTEMBER 2019.

____________________________________
KENNETH J. KAO, MAYOR

ATTEST:

_______________________________
CITY CLERK
(Seal)

APPROVED AS TO FORM:

_______________________________
CHRISTI HOGIN, CITY ATTORNEY
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, AMENDING SECTION 8.28.040 (LEAF BLOWERS) OF CHAPTER 18.28 (NOISE) OF TITLE 8 (HEALTH AND SAFETY) OF THE CITY’S MUNICIPAL CODE REGULATING THE USE OF LEAF BLOWERS

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A. Definitions.

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2. “Parcel” means an area of real property as defined by the Los Angeles County Recorder.

B. Prohibited Use. The use of a Leaf Blower in the following manner is prohibited:

1. Any gasoline-powered Leaf Blower within lots zoned R-1 (single-family residential) or R-M (multifamily residential).

2. Any electric or battery-powered Leaf Blower that creates a noise level more than sixty-five (65) decibels; and

C. Permitted Hours. No person shall operate an electric or battery powered Leaf Blower within lots zoned R-1 or R-M at any time other than between the hours of 8:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 7:00 p.m., Saturday. The days, times, or hours permitted in PVEMC 8.28.030. The use of any Leaf Blower is prohibited on Sunday.

D. General Requirements for use of Leaf Blowers.

1. No leaves or other debris shall be left in or upon any adjacent or other parcel, street, or public right-of-way.

2. After Leaf Blower use, debris shall be disposed in trash receptacles.

E. Requirements for use of Leaf Blowers in residential areas.

1. No Leaf Blower shall be operated for more than fifteen (15) minutes per hour on any one Parcel.
2. Only one (1) Leaf Blower shall be operated per Parcel at any one given time.

3. The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of dust.

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G. Exceptions. This section shall not apply in the following circumstances:

1. On City-owned property pursuant to a concession agreement,

2. In conjunction with operations by City forces or City contractors; and

3. On commercial zones properties.

H. Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, except that notwithstanding any other provision of this section, any violation constituting a misdemeanor under this chapter may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction.

Section 2. Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, the City Council 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.

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and noise, where the regulatory process involves procedure for protection of the environment. This Ordinance does not contemplate any construction activities, and there is no evidence to suggest that the Ordinance will result in a significant impact on the environment, including impacts due to unusual quality and noise resources in the City, and there is no evidence to suggest that the Ordinance would in cumulative adverse environment impacts. Based on the foregoing and other substantial evidence in the record, the City Council hereby finds and determines that the Ordinance is exempt from the provisions of CEQA, pursuant to State CEQA Guidelines Section 15307. Further, as a separate and independent ground, the City Council finds that the ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

**Section 3.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance of the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declared that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**Section 4.** This ordinance shall take effect ninety (90) days one-hundred and twenty (120) days after the date of its passage and, prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law.

PASSED, APPROVED, AND ADOPTED this 10TH DAY OF SEPTEMBER 2019.

_____________________________________
KENNETH J. KAO, MAYOR

ATTEST:

_____________________________________
CITY CLERK
(Seal)

APPROVED AS TO FORM:

_____________________________________
CHRISTI HOGIN, CITY ATTORNEY
Hi Ken –

FYI -

Carolynn Petru
Interim City Manager

City of Palos Verdes Estates
340 Palos Verdes Drive West
Palos Verdes Estates, CA 90274
Phone: 310.750.9801

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From: Dwight Abbott [mailto: 
Sent: Monday, July 29, 2019 8:23 AM
To: City Council <citycouncil@pvestates.org>
Subject: Leaf Blower Noise

City Council,

As I was having breakfast Friday morning and listening to the chain saw noise next door, I was reminded of the City Council’s surprising - at least to me - recent deliberation on leaf blowers. So far I have been favorably impressed with this City Council’s willingness to take on key PVE issues and deal with them in an efficient and practical way. And then you jumped/dumped on leaf blowers.

If I understand the City Council’s directions, the proposed leaf blower ordinance will come back with directed modifications for approval. Accordingly, I am passing on what I believe are relevant leaf blower facts and a few opinions.

Noise Ordinance 8:28 specifically cites only leaf blowers, but not chain saws, mowers, edgers, or hedge trimmers. They all make noise, but only leaf blowers are targeted.
Noise Ordinance 8:28 currently puts a limit on noise, not on how it is generated by gas or electric power. That seems fair. Why change?

It was very disappointing to see the City Council unanimously assume the simplistic position that for leaf blowers combustion power is the key noise driver compared to electric power. Neither the City Council nor staff addressed the nature of the noise disturbance. At the high power levels of equipment typically used by professional gardeners much of the noise comes from the turbine (blower), not the motor. Sound level (decibels) is not the only measure of disturbance. Disturbance is also caused by higher frequencies (turbine speed) as well as by noise level variability (throttle usage). See the addendum for more discussion of leaf blower noise.

The City Council recognized the desirability of not just singling out residential leaf blowers for limitation, but to evenly sanction leaf blowers in commercial areas and City maintenance as well. However, it now appears that such discrimination will occur. Why? It went unstated, but I assume that it was recognized that the maintenance inefficiencies and burden being proposed was a substantial one and you did not want those large commercial operators to bear that burden. Are they not the services more capable of bearing the costs of replacing equipment compared to the small residential gardener?

The intern did an outstanding job of surveying other cities to determine their leaf blower regulations. That is of interest, but is it a driver in determining what is correct for PVE? Are we just following others? PVE is uniquely identified by its abundant and cared-for landscaping. It needs regulations that facilitate maintaining that landscaping.

There was City Council discussion about health issues associated with emissions and with blowing dust and debris. Again, leaf blowers are not the only gardening machines that have this problem. If this is a sufficiently significant issue to generate limitation by City ordinance, it should be in a health or environmental ordinance - not a noise ordinance.

It was reported that since 2012 that there have been only 7 PVE noise complaints about leaf blowers. It was not reported whether these were from 7 different complainants or 7 different gardener sources - most likely not. So, this whole issue is one that appears to occur about once per year. In my book that is what is called a non-issue. Occasional disturbances of many kinds are now appropriately addressed by dealing verbally and directly with the parties involved.

It appears that the large majority of residents have no issue with the current noise ordinance relative to leaf blowers. I believe the City Council should represent the will of the residents. Frankly, although I recognize the right of City Council members to inject their personal opinions in discussions, I expect them to also seek to understand what the will of the residents is and to express that in their comments and votes.

I will conclude by saying that the proposed leaf blower ordinance is inappropriate. I expect that many other residents will agree. The City Council risks losing hard-earned credibility with the proposed ordinance. Why?

1. It controls not noise, but power source.
2. It discriminates against residential maintenance compared to commercial and City maintenance.
3. It attempts to be “doing good” without realization of the substantial unintended consequences.
4. Leaf blower noise is not a significant issue at the current time.

My personal opinion is that the proposed ordinance should simply die in process. Occasionally group discussions of well-meaning individuals can get off track and become witch hunts. This is that occasion.

- Dwight Abbott, 1825 Via Estudillo
Addendum: Blower Noise

Blowers that move air with mechanical blades generate noise from the blades “beating” the air. Your portable household fan creates more noise when set to high speed. That noise increase comes from the blades more than from the motor. When designed to efficiently move lots of air, as are leaf blowers, those few fan blades become many more turbine blades that turn at high speed. As a result, the turbine noise frequency (pitch) as well as noise level is increased. In an extreme design that turbine at very high RPM essentially becomes a siren. Sirens and turbines are disturbing due to the higher pitch and variability of the noise level.

Leaf blower noise, depending on power level, may be principally from the motor or from the turbine. Many gardeners use backpack leaf blowers that control power level with a hand throttle. As throttle position increases, so does the pitch and variability of the noise change - an annoying characteristic.

I expect that the most noise-affected person is the leaf blower operator. My observation is that, accordingly, operators do not run at full throttle and maximum noise except when necessary to do so. That noise variability as well as changing pitch is disturbing to a non-involved observer. Those disturbing characteristics are independent of the leaf blower power source.

Typically, leaf blowers are rated by airstream velocity (MPH) and by airstream volume (CFM) as well as by sound level (dB). The higher the airstream velocity and volume, the higher the noise, so leaf blower noise might be limited (not recommended) by limiting airstream characteristics, rather than by dB rating or type of power.

Newer leaf blowers are achieving lower noise ratings. Some useful information on noise reduction can be found on the internet. An example is at: https://reactual.com/home-and-garden/quietest-leaf-blower-2017.html That internet article focuses on the smaller hand-held leaf blowers rather than backpack leaf blowers, but the technology application applies to both.

Because the decibel scale is not linear, a drop in noise level from 70 dB to 65 dB is a big reduction when measuring noise level; however, it is difficult for the human ear to discern the difference of 2-3 dB, so a 65 dB leaf blower will not sound much quieter to people than a 70 dB leaf blower.

I am not aware of any direct experience City Council members have had with leaf blower operation and use. I expect that a live comparison of contemporary (not 5-10 years old) gas-powered and electric-powered commercial leaf blowers both rated at 70 dB would be revealing. I would not anticipate that the live comparison would demonstrate such a difference as to justify banning the gas-powered leaf blower.

Current battery technology is such that when applied to commercial power level leaf blowers they become heavy, have to change batteries often during daily operations, must recharge numerous batteries daily and replace batteries after numerous recharges. The economics and logistics of operation for commercial, electric-powered leaf blowers are off-putting.

In summary, I have not spent time writing this message because leaf blower noise is a significant PVE problem. It is not. I write because I see this issue as one that has the potential to jeopardize City Council credibility. This City Council was elected, based on campaign promises, to improve PVE financial management and act to responsibly and practically to residents’ desires. I find the proposed measure, especially with its ban on gas leaf blowers for residential maintenance and not for City and commercial area maintenance as likely to not be well received.

One can seek an environment that is totally quiet, serene and without any annoyances. On the other hand, as I sit writing, I recall the occasional chain saw, leaf blower, party next door (they notified us), dogs barking,
police sirens and, yes, even peacock noises that "bother" me and I realize that they are a reminder of the character and dynamics of this special place I live in. This environmental kaleidoscope that we share is really quite pleasant - I hope you agree with me.

This is a transmission from the City of Palos Verdes Estates. The information contained in this email pertains to City business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and you have received this message in error, please advise the sender by reply email and delete the message.

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