



## Item No. 2 Town of Atherton

### **CITY COUNCIL STAFF REPORT – STUDY SESSION**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**THROUGH: GEORGE RODERICKS, CITY MANAGER**

**FROM: STEPHANIE B. DAVIS, AICP SENIOR PLANNER**

**DATE: SEPTEMBER 4, 2019**

**SUBJECT: DISCUSSION ON THE TOWN'S MUNICIPAL CODE REGULATIONS REGARDING LEAF BLOWERS AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN**

### **RECOMMENDATION**

It is recommended that the City Council receive a report from staff on the Town's Municipal Code regulations regarding leaf blowers, possible restrictions on their use in Town and provide direction to staff.

### **BACKGROUND**

On February 20, 2019, the Council received a summary report from staff on the Town's current regulations pertaining to leaf blowers considering recent actions by neighboring jurisdictions which have banned and/or restricted their use. Council directed that the Environmental Programs Committee (EPC) review the topic and explore the issue further.

On May 16, 2019 the EPC reviewed and discussed the February 20, 2019 City Council staff report, other jurisdictions regulations, some associated pollutant, cost and public education and outreach issues that could be associated with restricting and/or banning the use of gas-powered leaf blowers. The EPC was unanimous in their recommendation to the City Council to support a phased restriction on gas powered leaf blowers and the associated possibility for rebates and/or incentives to support such restrictions.

### **ANALYSIS**

The Town of Atherton currently regulates allowable hours of operation for leaf blowers, with no restriction on the type of leaf blower (i.e. gas, electric, or otherwise powered), in accordance with Chapter 8.16.050 (B):

*“B. Power Garden Equipment.*

*1. Power garden equipment including but not limited to, leaf-blowers, vacuums, power mowers, rototillers, and other similar equipment are exempt from the basic noise regulation between the hours of eight a.m. and six p.m. Monday through Friday, ten a.m. and five p.m. on Saturday and ten a.m. and three p.m. on Sunday.”*

In 2000, the California Air Resources Board’s (CARB) “Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers” identified approximately 410,000 gasoline leaf blowers in California with 1.2% four stroke models. At the same time, there were approximately 600,000 electric leaf blowers in the State, the vast majority used occasionally by homeowners. At the time of the report, it was assumed that “virtually all professional gardeners use gas engine powered blowers”.

A summary list of associated issues with considering restrictions and/or modifications to the existing Ordinance, as well a table of regulations in other jurisdictions, are listed below.

### Municipal Maintenance Operations

Town staff currently utilize gas powered lawn blowers within Holbrook Palmer Park, the Civic Center, El Camino Real medians, stream channel, sidewalks and streets. The Public Works Department notes that utilizing electric powered blowers may hamper its current responsibilities for these areas, as these areas do not typically have electrical outlets readily available, which would require the blower to hold a longer charge and/or have portable gas generators available. Battery powered electric blowers require two or three backup batteries for each machine as well as a nearby charging source. Disposal of Lithium ion batteries can be problematic<sup>1</sup>, a source of pollution<sup>2</sup>, however, may be recycled.<sup>3</sup> The Town Public Works Director notes that a ban on gasoline powered leaf blowers would have a substantial negative effect on the time required for maintenance crews to perform their tasks; requiring additional personnel or reduced level of maintenance. New equipment would need to be purchased requiring a substantial capital outlay.

### Pollutants

Although somewhat limited, there are sources documenting the pollution impacts of leaf blowers. The aforementioned 2000 (CARB) report cited above, identified potential health impacts from noise, carbon and dust emissions. The health impacts from these hazards were *“from mild to serious, but the appearance of those effects depends on the exposure, the dose, or how much of the hazard is received by a person, and the exposure time.”*

Gas-powered leaf blowers can be a source of air pollution. Most gas-powered leaf blowers have two-stroke engines, which mixes fuel with oil to operate the device. Additionally, over 30 percent of the fuel that the engine uses fails to completely combust, releasing several air pollutants such as carbon monoxide, nitrous oxide, and hydrocarbons. Studies have indicated that a gas powered two-stroke leaf blower generated 23 times the carbon monoxide, and almost 300 times the non-methane hydrocarbons when compared to a 2011 Ford Raptor truck over a 30-minute period of usage. Certain

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<sup>1</sup> May be disposed of in landfills.

<sup>2</sup> The manufacturing processes of nickel and cobalt, and solvent, present potential environmental and health hazards.

<sup>3</sup> Recycling component metals may be more expensive than mining and manufacturing.

types of two stroke engines have been banned in some areas, including Lake Tahoe, Lake Mead, and many California State Parks that contain lakes. Four stroke engines, similar to automobile engines, are much less common in leaf blowers and are much more environmentally friendly.

### Private Property Operations

Properties in Atherton on average are significantly larger in area than those in surrounding jurisdictions. There may be concern with the ability/efficiency of using corded electric blowers as noted in “Municipal Maintenance Operations” above. A prohibition on gasoline powered leaf blowers would require private sector landscape maintenance contractors to purchase new equipment that would comply with Atherton regulations. This would result in an increased economic effect on the contractor or result in increased costs to the homeowner for property maintenance.

### Cost

A cursory review of pricing found that a typical, residential-use electric powered leaf blower costs between \$30-150, while a similar gas-powered unit costs at least \$75. Commercial units, more appropriate for larger lots, costs \$175-\$600. Very large properties may be more appropriate for walk-behind leaf blowers, but there are fewer electric powered models on the market than gas powered models – cost ranges from \$150 up.

### Noise

Upon conference with the Town’s Police Department, since 2016 there have been a total of 24 complaints involving loud gardening equipment, with 11 of those specifically mentioning leaf blowers.

### Enforcement

Enforcement of any revised Ordinance pertaining to restrictions and/or a ban on gas-powered lawn blowers would be complaint based. Initial complaints would likely be directed first to the Police Department and depending on the nature of the complaint, a citation and/or a code enforcement case could be initiated. In summary, enforcement may be challenging as it would be complaint based, requiring staff resource to follow up on the complaint, having evidence the violation occurred when the violation may have already ended, and with no evidence of said violation, may make it challenging to enforce.

### Other Jurisdictions

Staff conducted a survey of surrounding jurisdictions, finding that most of them had similar regulations to the Town for leaf blower operation. Menlo Park, San Mateo, Hillsborough, Burlingame, and Palo Alto all allow leaf blowers only during certain hours of the day, and except for Burlingame, none of the cities allow their use on Sundays. It is noted that Palo Alto does not allow gas-powered leaf blowers in residential zones.

The Town of Portola Valley recently enacted a ban on gas-powered leaf blowers, except on an “emergency basis”, citing both noise and pollution concerns. The ban will be effective in two years’ time, combined with an extensive six-month education program and town-funded incentive program, in order to give gardeners time to replace gas-powered equipment with electric powered equipment. It is noted that with this decision, Portola Valley joins 19 other California communities in having a ban on leaf blowers.

Municipality	Restriction on Type?	Weekdays? If (Y) -hours.	Saturdays? If (Y) - hours.	Sundays? If (Y) -hours.
Atherton	N	8 am to 6 pm	10 am to 5 pm	10 am to 3 pm
Portola Valley	Recent ban on gas powered leaf blowers to go in effect in two years.	8 am to 5:30 pm	10 am to 5 pm	10 am to 5 pm
Palo Alto	Gas powered leaf blowers not allowed in residential zones.	9 am to 5 pm	10 am to 4 pm	N
Menlo Park	N	8 am to 5 pm	11 am to 3 pm	N
San Mateo	N	8 am to 5 pm	9 am to 5 pm	N
Hillsborough	N	9 am to 5 pm	N	N
Los Altos	Gas powered leaf blowers are banned.	8 am to 8 pm	9a am to 6 pm	10 am to 6 pm

**POLICY FOCUS**

The Town’s adopted Climate Action Plan (CAP) includes a series of identified Greenhouse (GHG) reduction measures in order to reduce the Town’s emission levels in accordance with state mandates. While restrictions and/or a ban on the use of gas-powered lawn blowers are not specifically identified in the CAP, leaf blowers are considered as part of the Town’s transportation generating GHG emissions. Reducing air-borne pollutants generated by lawn blowers could be considered supportive of the CAPs overarching approach to sustainability. Any proposed amendments should also consider the implementation and financial impacts to both the Town and its community’s (including the residents, the Circus Club and all private schools).

**FISCAL IMPACT**

The cost associated with the preparation of a draft ordinance amendment is included within the annual Planning Department budget. As noted in the Analysis section above, the Town, property owners and/or contractors currently using gas powered leaf blowers would incur additional financial costs in the purchasing of new, electric powered models. Depending on the extent of (any) associated, incentive and/or public education program(s) additional Town funds would be required for their development and implementation. Monitoring and enforcement of the Ordinance would likely increase staffing resources in the early on-set of any Ordinance revisions adopted.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service provides (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item   X   has or        has not been before a Town Committee or Commission.

       Audit/Finance Committee (meets every other month)

       Bicycle/Pedestrian Committee (meets as needed)

       Civic Center Advisory Committee (meets as needed)

  X   Environmental Programs Committee (meets every other month) – May 16, 2019

       Park and Recreation Committee (meets each month)

       Planning Commission (meets each month)

       Rail Committee (meets every other month)

       Transportation Committee (meets every other month)

       Tree Committee (meets each month)