



Information Item

Date: December 14, 2010

To: Mayor and City Council
From: Dean Kubani, Director of the Office of Sustainability and the Environment
Subject: Leaf Blower Ban Enforcement Update

Introduction

This Information Item provides a progress update on leaf blower ban enforcement since the Office of Sustainability and the Environment assumed enforcement responsibility in October 2010.

Background

At the [September 14, 2010](#) Council meeting, Council passed an Ordinance amending Santa Monica Municipal Code Chapter 4.08.270 to hold property owners, water customers, owners and operators of gardening or landscape maintenance services, property management companies, and leaf blower operators responsible for adhering to the prohibition against use of motorized leaf blowers or other motorized devices used to blow leaves. In addition, Council charged the Office of Sustainability and the Environment (OSE) with oversight of public outreach and enforcement, including the ability to issue administrative citations for any violation of the Ordinance.

Discussion

OSE Enforcement of the ordinance began on October 28, 2010. A dedicated telephone reporting line and email address were set up for the public to report violations. The Government Outreach (GO) System was also modified to accommodate leaf blower violation reports. A 0.5 FTE OSE Water Resources Specialist position was filled on

November 15, 2010. This position is part of the OSE Watershed Management Section team that focuses on enforcement of SMMC 7.16v - Water Conservation Ordinance; SMMC 7.18 - Water Conservative-Plumbing Standards Ordinance; SMMC 7.10 - Urban Runoff Pollution Ordinance; SMMC 7.12.020 - Residential Plumbing Fixture Rebate Program Ordinance; SMMC 7.12.030 - Residential Water Conservation Incentive Fee Program Ordinance; SMMC 8.108.10 - Landscape and Irrigation Standards Ordinance; and now SMMC 4.08.270 - Leaf Blower Ban Ordinance. Staff conducts site visits in response to alerts from community members and undertakes regular patrols of the City to look for violations. If a leaf blower is seen in use, a photo is taken (if possible), the operator is informed about the law, and a warning letter and photo are sent to the involved parties (which may include but is not limited to the property owner, water customer, leaf blower operator, employer of the leaf blower operator, and property management company). The letter provides information about the ordinance in English and Spanish, states the violation and corrective actions, sets a two-week deadline for compliance, and directs the recipient to respond to OSE staff when leaf blowers are no longer being used at the property. At that time, compliance for that violation is achieved.

Prior to hiring the new staff member, approximately 100 phone calls for reported violations were tracked in a phone log book and spreadsheet by existing OSE staff. The new staff member has received 260 additional violation calls, emails, and messages via the GO system reporting leaf blowing activity at over 230 addresses in Santa Monica (some calls, emails, and GO messages are reporting the same address). In addition to the reported violations, to date 32 additional violations have been witnessed by staff. A property owner in violation of the ordinance will receive two warning letters, each with a two-week compliance deadline, before receiving a third violation that results in an administrative citation fine. Consequently, the entire process may take up to four to six weeks before a fine is issued to a multiple offender. All told, staff has mailed out 180 educational letters and an additional 215 warning of potential violation letters. To date 59 of these cases have been closed following receipt of a written compliance letter. No fines have been issued to date.

Initially, some residents expressed concern that their reports were not being followed up on by OSE because they saw that leaf blowing activity continuing following their initial reports. To address this, the enforcement procedure has been posted on the OSE website (www.sustainablem.org/leafblower), a document explaining the procedure is now attached to all warning letters, and an explanation regarding the enforcement process is given to callers or persons via the GO system who report violations. Staff expects this increased transparency in the process will reassure residents that their reports are being handled promptly and efficiently and will eventually lead to compliance with the ordinance and a citywide reduction in leaf blower operation.

For the first two weeks after the ordinance went into effect, informational letters were sent to the responsible parties in cases where a potential violation was witnessed and reported by the public. Due to the large volume of reported violations, it became necessary to track the violations in a database with a calendar. Now, warning of potential violation letters that include educational outreach materials are being issued for reported violations received from the public. By sending a warning letter instead of an informational letter, staff can close a case once the responsible party responds to the letter, then communicate with the person that reported the violation about the status of violation, and delete the address from the calendar. The warning letter sends a clear message that the City is serious about enforcing this law and swift compliance is expected.

Violations reported by the public are entered into the calendar and a patrol schedule is set. If it is feasible to respond to a violation at the time of reporting, enforcement staff will respond immediately. However violators have often left the site before staff arrives. To address this, the dedicated phone reporting line is automatically forwarded to enforcement staff cell phones when they are out in the field. If the enforcement staff is unable to witness the leaf blowing activity or speak with the operator in the field, a follow up inspection is scheduled for the following week at the same day and time as the reported violation.

OSE staff is coordinating with the Santa Monica Police Department to respond to information directed to SMPD. Currently, SMPD forwards all reported leaf blower violations to the OSE reporting line. In addition, the SMPD is supporting OSE staff members in the field, as necessary.

Public Outreach

A webpage (www.sustainablesm.org/leafblower) dedicated to leaf blower enforcement has been established with information about reporting violations, how reports are handled, alternatives for gardeners, and a fact sheet on leaf blowers. A single-page, English/Spanish flyer, with a tear off sheet that provides education and options for homeowners to communicate with their gardeners, is currently available for download from the webpage and is being included with warning and citation letters. A water bill insert regarding the ordinance has been produced and is being sent to every water customer throughout the next billing cycle. An informational letter about the ordinance has been sent to all licensed landscape maintenance companies registered within the City, as well as to the larger set of local property management companies. Education on enforcement and alternatives has been integrated into the curriculum for City-sponsored workshops attended by landscape professionals and homeowners. Seven bilingual classes for landscape professionals are scheduled in 2011 that will address the use of leaf blowers, including one solely dedicated to trying out suggested alternative products.

Summary

Following six weeks of enforcement, OSE staff has built and implemented an effective protocol for handling and responding to reported violations, while providing educational outreach on compliance strategies and viable alternatives to local landscape companies and property owners. Overall compliance is being achieved in cases addressed by staff and the warning/educational approach appears to be largely successful; however staff expects that violation reports from residents will continue at the current level for the next several months until all residents, property owners, and landscape companies become

aware of the ordinance. OSE will continue its educational campaign to raise awareness of the multiple health risks and environmental consequences associated with leaf blowers, but is also poised to issue administrative citations in order to achieve immediate compliance in cases where the warning/education approach is not effective. OSE will provide another update to Council six months after implementation in April 2011.

Prepared By: Russell Ackerman, Water Resources Specialist