



Information Item

Date: May 24, 2011

To: Mayor and City Council
From: Dean Kubani, Director – Office of Sustainability and the Environment
Subject: Six-month Report on Implementation of the Amended Leaf Blower Ordinance

Introduction

This information item provides a report on the implementation and enforcement of an amended ordinance banning the use of motorized leaf blowers (Santa Monica Municipal Code Chapter 4.08.270), which became effective October 28, 2010.

Background

The City of Santa Monica first adopted restrictions on users of motorized leaf blowers in 1991, and adopted amendments to the ordinance in 1995. The original ordinance banned the use of all motorized leaf blowers and held the operator of the leaf blower as the sole responsible party. Enforcement of the ordinance required that leaf blowing activity be witnessed by a police officer before a citation could be issued. Violation of the ordinance resulted in an infraction or misdemeanor, punishable by fine and/or imprisonment.

On [January 19, 2010](#), Council directed staff to prepare options for amendments to the existing leaf blower ordinance in order to improve its effectiveness. On [September 14, 2010](#), Council adopted amendments to the ordinance which:

1. 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 the use of motorized leaf blowers;
2. Authorize the City's Office of Sustainability and the Environment (OSE) to issue administrative citations for any violation of the ordinance.

Discussion

OSE staff have overseen enforcement of the amended ordinance since it took effect on October 28, 2010 and began a public education and outreach campaign regarding the leaf blower ban at that time. This report provides details on these efforts and on the effectiveness of the amended ordinance at reducing the illegal use of motorized leaf blowers for the first six months following its adoption through the end of April, 2011.

Public Outreach and Education

Following adoption of the amended ordinance OSE published educational information on its website (www.sustainable-sm.org/leafblower) that includes:

- a summary of the ordinance with a link to the municipal code
- information on alternatives to motorized leaf blowers
- information for reporting leaf blower violations
- downloadable flyers in English and Spanish that property owners can provide to their gardeners to help educate them about the ordinance
- information about the environmental, noise and health impacts of leaf blowers

During the fourth quarter of 2010 OSE staff mailed:

- leaf blower educational materials to all Santa Monica water customers as an insert to the bi-monthly water bills
- 222 informational letters regarding the amended ordinance to landscape companies with Santa Monica business licenses
- 182 informational letters to property management companies with Santa Monica business licenses

In addition to the mailings and the educational information posted on the City's website, OSE published an article about the amended ordinance in Seascapes, and issued a press release on October 26, 2010 which was used as the basis for articles in the local press. Bi-lingual flyers about the ordinance have been distributed at the City's weekly Farmers' Markets since November 2010. OSE prepared a public service announcement and a screen slide about the ordinance, which are regularly shown on CityTV and CityTV filmed two news segments on the ordinance which were shown on

its Santa Monica Update news program in October and November 2010. Signage regarding the leaf blower ordinance will be displayed on City solid waste and recycling vehicles beginning in June 2011 as part of the ongoing public information campaign.

Beginning in January 2011 information regarding the leaf blower ordinance was incorporated into OSE's Sustainable Landscape Professionals Educational Series. These classes are offered several times per month all year long for landscape contractors, designers, and maintenance workers. A special course offered on April 19, 2011 focused entirely on the ordinance and on alternatives to leaf blowers. Information regarding the leaf blower ordinance has also been included in OSE's Green Garden Academy workshops which are offered monthly to Santa Monica residents.

Enforcement Process

To enforce the ordinance OSE staff conduct dedicated leaf blower patrols at least two days per week. These patrols typically last four to five hours and are conducted by one staff member using a City vehicle. The patrols are undertaken at various times of day, with the time and location based on previously reported leaf blower use, locations of past violations that have not demonstrated compliance, and known weekly schedules of landscape maintenance companies. In addition to regular patrols, OSE staff monitor leaf blower use throughout the city during regular enforcement and inspection visits for the urban runoff and water conservation ordinances. Staff also conduct individual site visits in response to reports of leaf blower use from community members that are received via telephone, email or the City GO reporting system.

If OSE staff observe a leaf blower in use they will inform the operator of the law, give the operator a bi-lingual (English/Spanish) flyer that explains the ordinance and potential penalties for violating it, take a photo if possible, and then send a warning letter and photo 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, states the violation and corrective action, and directs the recipient to respond within two weeks confirming that leaf blowers are no longer being used at the property. If and when a response letter from the recipient is received within two weeks, compliance for that violation is achieved and the case is closed.

In cases where a potential violation is reported by a member of the public that includes specific information regarding the date, time and location of the violation, a warning letter is issued, typically to the property owner, along with a printed bi-lingual flyer about the ordinance for the property owner to provide to their gardener, and the compliance course described above is followed. In cases where a potential violation is reported that does not include specific information regarding the violation, an educational letter (rather than a warning letter) is sent to the involved parties along with a bi-lingual flyer. These locations are then included in future patrol schedules in order to identify in the field potential future violations.

If a repeat violation occurs at a property, OSE will issue a second warning letter. If compliance is not achieved within two weeks of the second warning letter being sent a citation will be issued. In all cases, the responsible parties are provided two warnings before a citation is issued. This is consistent with the procedure for enforcement of the City's urban runoff and water conservation ordinances, which has proven effective at achieving compliance through education. Because many of the violations are reported to OSE by members of the public, the provision of two warnings prior to issuing a citation also allows OSE staff to verify a violation in the field prior to the issuance of a citation.

Public Reporting of Leaf Blower Activity

For the six-month period through April 30, 2011, OSE received a total of 1,133 reports of leaf blowing activity from the public. These include 774 phone calls, 269 e-mails, and 90 GO reports. These totals include repeat violation locations. Violation reports from the

public have decreased over time as leaf blowing activity has decreased (see Table 1 below).

Violations Identified Directly by OSE Staff

Over the same time period OSE staff observed 167 violations during regular patrols. The frequency of these violations has also decreased over time.

Warning Letter and Citation Summary

Based upon the violation reports from the public and direct observation of violations by OSE staff, a total of 1300 violation reports were entered into the leaf blower database through April 30, 2011. In some cases more than one report was received from the public for the same violation. A total of 1,173 individual violations of the ordinance (including first and second violations at the same address) were identified and warning letters were mailed to appropriate parties in all instances. Table 1 shows the violations identified during each of the first six months of enforcement. The number of monthly violations reached a high point of 278 during December 2010 and decreased by 60% to 112 by April 2011. The peak in December coincided with full implementation of OSE's outreach efforts.

Table 1 – Leaf Blower Violations By Month

Nov 2010	215
Dec 2010	278
Jan 2011	240
Feb 2011	154
Mar 2011	174
Apr 2011	112
Total	1173

Of the 1,173 total cases, 526 cases have been closed, meaning that the responsible party of a violation location contacted the City to acknowledge the problem and verify in writing that leaf blowing has ceased and will not occur in the future at the property. As of April 30, 2011 the remaining 647 cases were still open because the recipients of the warning letters have not yet responded to OSE. The majority of the open cases are past due for response and have been included in the patrol schedule in order to verify potential future violations in the field. As noted above, future violations at these locations will result in either a second warning or issuance of a citation. Attachment A plots the geographic locations of all open and closed cases. OSE staff also tracks all violations by time of day and day of the week in order to coordinate patrol schedules.

To date, no citations have been issued by the OSE office. In three cases where a third violation was observed that triggered a citation (meaning that the property had already received two warning letters), OSE staff proactively contacted responsible parties to alert them that a fine would result if they did not immediately address the present leaf blower violation. Compliance was achieved in each of these cases and citations were not issued.

Summary

Since adoption of the amended leaf blower ordinance OSE has implemented a public education and outreach strategy, and is maintaining an ongoing outreach and enforcement effort. While it is not possible to determine the precise amount of leaf blowing activity prior to October 2010 or current leaf blower usage, the combination of educational outreach, increased enforcement presence and issuance of warning letters is having an impact on leaf blowing activity in Santa Monica. Since November 2010 leaf blowing activity has ceased at more than 500 properties in the City, more than 600 other locations have been identified and are in the process of coming into compliance. Initial call volumes from the public and observed incidences of leaf blowing activity by OSE

staff have dropped over time since OSE began its enforcement in October 2010, and monthly violations of the ordinance have dropped by 60% since December 2010 .

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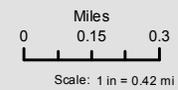
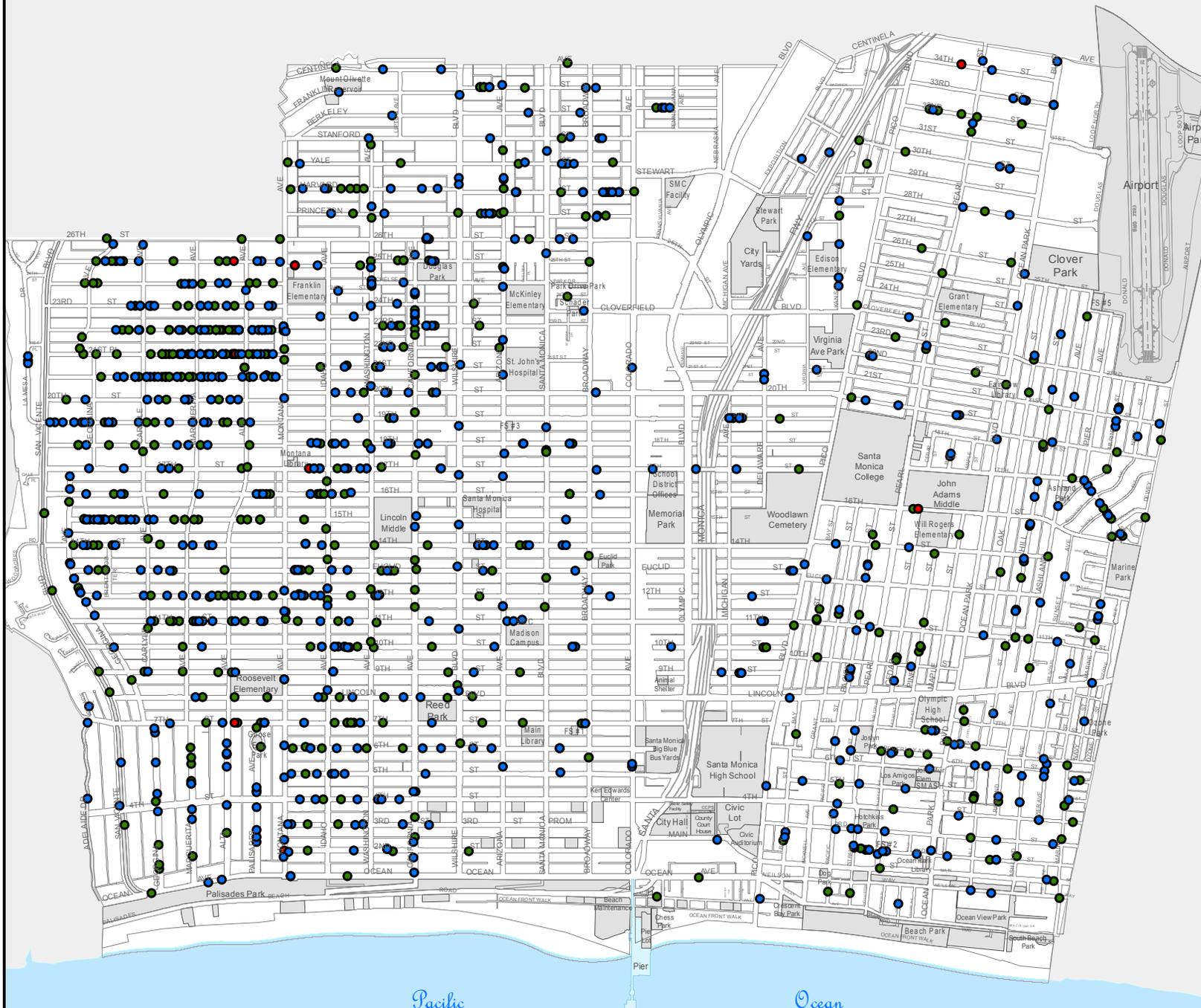
Attachments:

A: City map showing all violation locations

Leaf Blower
Reported Violations
November 2010 – April 2011
Total Violations: 1173

LEGEND

- Letter Sent (Total: 598)
- 2nd Letter Sent (Total: 49)
- Closed - No Fine (Total: 526)
- City Blocks
- Public Facilities



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