



Information Item

May 17, 2012

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

Introduction

This information item provides a status report on the enforcement by Office of Sustainability and the Environment staff of the amended ordinance banning the use of motorized leaf blowers (SMMC Section 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 [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 violations of the ordinance.

3. Authorize fines starting at two hundred fifty dollars (\$250) per violation.

OSE staff began a public education and outreach campaign regarding the leaf blower ban shortly after Council adoption of the revised ordinance and began enforcement when the ordinance took effect on October 28, 2010. A six-month progress report detailing the OSE campaign from November, 2010, to April, 2011, was prepared as an Information Item on [May 24, 2011](#). This report updates the previous Information Item and provides details on the effectiveness of the amended ordinance at reducing the use of motorized leaf blowers from November 2010, through January 2012.

Discussion

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 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 a leaf blower is 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 on the third documented violation. 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.

Staffing Issues

Field enforcement of the ordinance has been compromised since June 2011, due to unscheduled leaves and vacancies in OSE. The decreased level of staffing has impacted the frequency of field patrols which has resulted in higher numbers of residential complaints directed at staff about the lack of enforcement and more incidents

of leaf blowers during this period. It is expected that complaints and violations will decrease when the staffing vacancy is filled this spring.

Processing of enforcement letters has been hampered by discrepancies between two city databases used to help enforce the ordinance. The discrepancies increased the staff time required to process letters, reducing available time for staff enforcement in the field. While not all of the violation locations require this extra time, enough discrepancies occurred to slow the enforcement process. OSE staff worked with the Finance Department and Water Resources division staff to correct this issue in March 2012. Since then, the turnaround in processing violation reports has improved.

Public Reporting of Leaf Blower Activity

Tables 1 and 2 below show total violation reports from the public and staff by month between November 2010 and January 2012. For this 15-month period, OSE received a total of 2,624 reports of leaf blowing activity from the public. These include 1,778 phone calls, 590 e-mails, and 256 GO reports.

Violations Identified Directly by OSE Staff

Over this time period, OSE staff observed 287 violations during regular patrols. The number of staff observations was down 50% during the second half of the first year, reflecting the lack of staff in the field.

**Table 1. Leaf Blower Violation Reports
from the Public & Staff – Year 1**

November 2010	236
December 2010	299
January 2011	261
February 2011	175
March 2011	195
April 2011	134
May 2011	203
June 2011	219
July 2011	201
August 2011	182
September 2011	215
October 2011	137
Total	2,457

**Table 2. Leaf Blower Violations Reports
from the Public & Staff –
Year 2, First 3 Months**

November 2011	181
December 2011	150
January 2012	123
Total	454

Warning Letter and Citation Summary

Based upon the violation reports from the public and direct observation of violations by OSE staff, a total of 2,911 violation reports were entered into the leaf blower database through January 2012. Many of the reports were repeat reports within the two-week compliance period or included inadequate or unreliable information about the violation.

Based on the reports, a total of 2,025 individual property owners or other parties were sent warning and citation letters due to violations of the ordinance, including first, second, and third violations, and fines. Reports with inadequate information are tracked for future reference and are included in a weekly patrol log for OSE staff to verify in the field.

From November 2010 through April 2011, a drop of violations occurred, indicating the positive impact of enforcement. An increase occurred May 2011, through early fall possibly due to a temporary loss of dedicated enforcement staff and possibly from the increase of leaf debris due to the Fall season, resulting in more gardeners in the field. In October 2011, a drop of violations occurred, coinciding with the end of the Fall season. In comparing similar periods, November 2010-January 2011 to November 2011-January 2012, a significant drop in violation reports occurred in the latter period. This is likely due to the first year comprehensive enforcement and corresponding cessation in violations by those who received warnings compared to the second period; however, a portion of the reduction was due to fewer OSE observations of violations in the field because of the above mentioned staffing issue.

Of the 2,911 total cases, 1,399 cases have been closed (48%), meaning that the responsible party of a violation location contacted the city to acknowledge the problem and verify in writing or on the phone that leaf blowing has ceased and will not occur in the future at the property. The majority of the remaining open cases are past due for response by recipients of warning letters, and repeat violators 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 or third warning, or issuance of a citation. Attachment 1 plots the geographic locations of all violations from November 2010 through January 2012.

A total of six citations have been issued by the OSE office between May 2011 and January 2012.

Summary

As the City moves through year two of enforcement, the data suggests that the change in the ordinance and enforcement approach are effective at reducing leaf blowing activity as shown by the drop in reports following the first months of enforcement and in a drop in violation reports between corresponding periods in 2010-11 and 2011-12. Going into summer and fall with a full complement of staff, OSE expects City-generated leaf blower reports to increase somewhat and, violation reports and customer complaints from the public to decrease. Staff is expecting an ongoing increase in leaf blower compliance throughout the city in the coming years.

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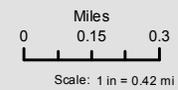
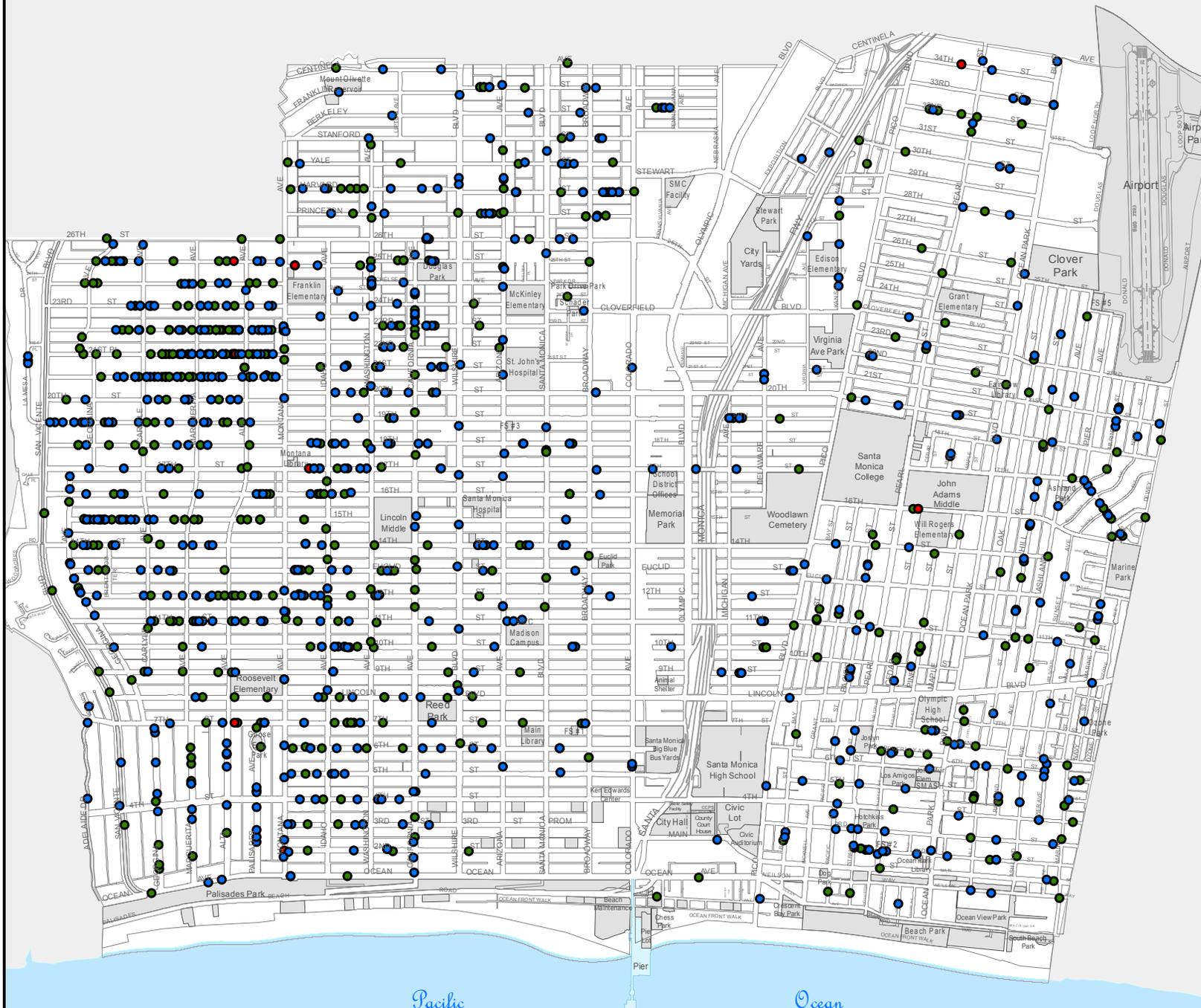
Attachments:

1: City map showing Year One and Year Two (first 3 months) violations

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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