



Information Item

November 6, 2012

To: Mayor and City Council
From: Dean Kubani, Director – Office of Sustainability and the Environment
Subject: Changes Regarding Enforcement of the Amended Leaf Blower Ordinance

Introduction

This information item describes changes to the procedure used by the Office of Sustainability and the Environment for enforcement 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 \$250 per violation.

OSE staff began an extensive public education and outreach campaign regarding changes to 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 provided as an Information Item on [May 24, 2011](#) and a follow-up Information Item was provided on [May 17, 2012](#). This report provides information regarding changes to the enforcement procedure designed to improve compliance with the ordinance.

Discussion

The amended ordinance adopted by Council on September 14, 2010 prohibits the use of motorized leafblowers anywhere within the City and holds the leafblower operator, landscape maintenance company, property owner, property management company, and/or tenant of a property where a leafblower is being used liable if the ordinance is violated. Any person violating the ordinance may be immediately issued an administrative citation and/or be guilty of an infraction, punishable by a fine of up to \$250, a misdemeanor, punishable by a fine not exceeding \$1000, or by imprisonment for a period not exceeding six months.

When Council adopted the amended ordinance staff indicated that enforcement would initially be conducted in a manner similar to that employed for the City's water conservation and urban runoff ordinances, where courtesy warning letters with a two-week compliance period are issued prior to the issuance of a fine. The purpose of this approach was to allow for the education of property owners and landscapers about the changes to the ordinance. In the two years that the amended ordinance has been in effect OSE has conducted extensive and ongoing outreach and education about the ordinance and alternatives to leafblower use to gardeners, landscaping companies, and property owners. It is clear that implementation of the ordinance has been effective in eliminating leafblower use at most properties throughout the city since OSE began enforcement in October 2010.

The progress reports to Council prepared in May 2011 and May 2012 demonstrated that this enforcement approach was effective at reducing leaf blowing activity as shown by a 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.

However, in September 2012 OSE began receiving a large number of complaints from residents indicating that leafblowing activity was still occurring in some areas of the city, and that leafblower operators were modifying the days and times that they worked in order to avoid being seen and photographed by City inspectors. It is clear that certain property owners and landscaping companies are taking advantage of the warning process, which allows a property owner two weeks to confirm that leafblowers are no longer being used on the property, and the fact that OSE staff must see or photograph a violation in the field on the third instance in order to issue a citation.

In light of the recent reports from residents and observations by OSE staff of continued leafblower use in some areas of the city, OSE will no longer issue courtesy warning letters for violations. Henceforth, anyone observed using a motorized leafblower will be immediately issued a citation and the property owner will be sent a letter stating that any future violations observed at the property will result in citations being issued to both the leafblower operator and the property owner. This change will take effect immediately upon posting of this information item.

Prepared by: Dean Kubani, Director – Office of Sustainability and the Environment