



Information Item

Date: December 11, 2009

To: Mayor and City Council
From: Jennifer Phillips, Assistant City Manager
Subject: Restrictions on Leafblower Operation

Introduction

This report offers information regarding methods for enforcing existing restrictions on leafblower operation for possible Council consideration and direction, including modification of the existing Municipal Code.

Background

The City of Santa Monica first adopted restrictions on leafblower operation in 1991, and amended the code in 1995. Existing code is targeted at users of motorized leafblowers and makes violation of the ordinance, which must be witnessed by an officer of the law, an infraction or misdemeanor, punishable by fine and/or imprisonment.

Discussion

Restrictions on leafblower operation were adopted in response to noise and nuisance concerns, fall within the City's Public Welfare, Morals and Policy Code section, and are enforced by Santa Monica Police Officers. Within this model, efforts to curb leafblower use have been focused on enforcement by a police officer who witnesses operation and issues a misdemeanor citation. The difficulty of direct observation, in addition to modest public knowledge of the restrictions, has limited the ordinance's effectiveness.

Santa Monica has similar limits on water usage. Water conservation requirements apply to all persons in Santa Monica and violation of the "No Waste Water" ordinance is punishable by a fine. However, enforcement of "No Waste Water" is managed by the Office of Sustainability and the Environment (OSE), rather than the Santa Monica Police

Department (SMPD). OSE staff patrol the City and attempt to take a photo of the violation as it is occurring. In other cases, residents and business owners call or e-mail OSE to report a violation. In those instances, staff conduct a site visit. After witnessing the violation(s), staff send a pending violation letter and photo, if applicable, to the water account customer listed at the property site where the violation(s) took place. The letter states the violation(s) and corrective actions, and directs the customer to call the staff person who issued the letter when in compliance. In cases where a potential violation is reported by others but not witnessed by staff, an informational and educational letter noting the potential violation is sent to the water account customer.

Enforcement of the “No Waste Water” and leafblower ordinances could be performed concurrently, as OSE staff report witnessing both over irrigation and leafblowing activities. OSE has a team of three staff and one consultant who conduct daily water patrols as well as respond to calls. Already, “No Waste Water” literature includes basic education about the leafblower ban. However, when staff see violations of the leafblower ordinance, they must call for an SMPD officer to witness the offense. Modifications to the existing leafblower ordinance to hold property owners, rather than leafblower operators, responsible for adherence to the law, combined with additional public education and enforcement by an expanded team of OSE staff via an administrative citation, may increase compliance and effectiveness. Such changes would require an amendment to the existing ordinance.

The cost for conducting further public outreach and education regarding leafblower restrictions, documenting violations, and assuring compliance is estimated to be \$50,000 per year for the addition of a .5 full-time-equivalent (FTE) to the OSE enforcement team and associated marketing. If Council is interested in pursuing this approach, staff recommends that modifications to the existing leafblower ordinance and changes to enforcement practices be placed on a future Council agenda on 13-item for further consideration and direction from the body.

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