

TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: May 16, 2013
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
SUBJECT: Review/comment on draft changes to the Noise Ordinance to address noise issues related to power equipment including that from leaf blowers

BACKGROUND

On March 21, 2013 and April 18, 2013 the Planning Commission held public hearings on how the Town Code might be amended to regulate power equipment including leaf blowers. Staff reviewed the minutes from both those meetings and Resolution No. 13-3 adopted by the Town Council on January 10, 2013 giving direction to the Commission about issues to discuss relating to power equipment and noise, and drafted the attached Ordinance.

DISCUSSION

The Town Council in their adopted Resolution No. 13-3 indicated their desire for the ordinance changes to include (staff comments are after each item in bold italics):

1) When the ordinance will take effect (i.e. 6 months after adoption);

Staff is recommending that the ordinance, when finally adopted, go into effect 30 days after adoption as is typical of most Ordinance changes.

2) Limiting the times and days of the week the blowers and other power equipment can be operated;

Hours of operation of power equipment has been reduced and use on Sundays and holidays has been prohibited.

3) Encouraging persons operating leaf blowers or other power equipment to ensure that leaves, dirt and other debris are not blown onto adjoining private or public properties;

The Commission felt this item was better addressed by educating the public with some type of educational materials possibly given out with the business license application for contractors and landscapers – and to the public at the front counter.

4) Providing for an exception to the ordinance in the case of hardship due to owner infirmity or size of a property;

The ordinance already includes an exception process but staff is recommending that the person able to grant the exception be changed from the Town Manager to the Planning Director.

5) Whether or not to include both leaf blowers and other power equipment in the regulations;

The Commission did not want to treat leaf blowers differently than other power tools and equipment and wanted meter readings for noise complaints for both leaf blowers and other power equipment and tools to continue to be measured from the complainant's property lines.

6) Inclusion of an exemption during states of declared emergency as determined by the Town Manager;

Staff has included an exemption section in the draft ordinance that lifts the hours of permitted operation and days of operation limits if the Town Council, Town Manager or the Police Chief declares a Town wide or localized emergency.

7) Whether authorized Town Employees operating leaf blowers on public property during regular business hours should be exempt from the regulations and,

Town Employees will not be exempt from the regulations but it should not significantly impact them since they work during the permitted hours.

8) Providing for penalties for violations.

The Noise Ordinance already includes a penalty section.

The Commission should review the minutes, past staff reports, letters from individuals, past public comment and take new public testimony before closing the public comment period.

RECOMMENDATION

After discussing the draft ordinance staff recommends the Commission take one of the following actions:

1. Approve the draft Ordinance as it is written and direct staff to prepare a resolution recommending approval to the Town Council.
2. Approve the draft Ordinance with changes/additions/deletions voting on each change and direct staff to prepare a resolution recommending approval of the amended draft Ordinance to the Town Council.
3. Continue the discussion until the June 20, 2013 meeting giving staff direction on how to proceed.

ATTACHMENTS

Exhibit A – Minutes from the March 21st and April 18th, 2013 meetings

Exhibit B – Staff notes to Planning Director from the March 21st, 2013 meeting

Exhibit C – March 21st and April 18th, 2013 staff reports

Exhibit D – Town Council Resolution No. 13-3

Exhibit E – Received correspondence from citizens after submittal of the original petition.

Petition is on file at the Department of Planning and Building Services

MINUTES

3. Minutes from the February 21, 2013 Planning Commission meeting.

The minutes from the February 21, 2013 Planning Commission meeting were continued to the meeting of April 18, 2013 due to a lack of a quorum of commissioners who had been present at the meeting.

PLANNING DIRECTOR'S REPORT

Planning Director Moore had been absent from the meeting and therefore a report had not been presented.

DISCUSSION ITEMS

4. Discussion/consideration of a draft Ordinance regulating leaf blowers and/or other gasoline powered landscaping maintenance equipment. Zoning - All residential and commercial zones districts in Town; Direction originates from Town Council Resolution No. 13-3 directing the Commission to include but not be limited to: ordinance effect date, permitted times and days of operation, hardship/exemption considerations and processing, inclusion of other gasoline powered equipment and penalties.

Senior Planner Neal announced that she would not present a staff report with which the commissioners were in agreement. Ms. Neal suggested that the commissioners discussed the materials provided by staff, take public testimony and then request staff to draft an ordinance for further discussion at the next meeting.

Chair Hamilton opened the public comment period and invited the single member of the public present at the time to speak.

Cindy Swift, Madrone Road, suggested that the ordinance should apply to the many kinds of outdoor equipment that created noise and not be restricted to leaf blowers for reasons she explained. Ms. Swift also said that there should be noise level limitations and both weekday and weekend use. She explained why she would not support permit use for equipment usage.

Chair Hamilton noted that the current ordinance covered decibel levels and gardening equipment and so she suggested that they discuss amending the ordinance rather than drafting a new document.

General discussion took place on restricting the use of outdoor equipment and limiting the hours of operation.

Chair Hamilton reopened the public comment period and John Sergeant, Madrone Road, discussed the petition that instigated the discussion of the ordinance. He noted that some of the signatures belonged to non-residents

Mr. Sergeant discussed leaf blowers and his recommendations that related to limiting hours of operation and decibels.

Chair Hamilton closed the public comment period.

The commissioners discussed air quality relating to leaf blowers.

There was general consensus that limiting the hours of operation might be the most effective way forward and that the decibel level should be measured from the receiving end, i.e. from the property line of the resident who made the complaint.

The commissioners discussed outreach and education measures to mitigate the problems of leaves being blown into the street.

Chair Hamilton requested that the commissioners be provided with the minutes of the previous discussion on the ordinance at the Council's 2008 meeting.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Ketcham requested that staff draw up a proclamation for Commissioner Lacques who had resigned from the commission after serving 8 years.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 8.30 p.m.

Kehrlein: AYE
Coler: AYE
Ezzet-Lofstrom: AYE
Ketcham: AYE

The motion passed unanimously and Commissioner Ketcham announced the appeal rights and then announced a 10 minute break at 9.45 p.m. Vice-Chair Lamotte and Commissioner Hall returned to the podium.

MINUTES

4. Minutes from the March 21, 2013 Planning Commission meeting.

M/s, Hall/Hall, Motion to approve the minutes with Commissioner Coler's name added to the list of absent commissioners and the correction of Commissioner Ezzet-Lofstrom's name.

AYES: All

DISCUSSION ITEMS

5. Discussion/consideration of a draft Ordinance regulating leaf blowers and/or other gasoline powered landscaping maintenance equipment. Zoning - All residential and commercial zones districts in Town; Direction originates from Town Council Resolution No. 13-3 directing the Commission to include but not be limited to: ordinance effect date, permitted times and days of operation, hardship/exemption considerations and processing, inclusion of other gasoline powered equipment and penalties.

Planning Director Moore discussed the Noise Element of the General Plan in relation to leaf blowers. He also discussed noise created by leave blowers and new information that had been presented regarding noise range. Mr. Moore summed up the discussion that had taken place at the previous meeting and suggested how the commissioners could move forward.

Commissioner Coler addressed enforcement. She also discussed information on leaf blowers from another City and possible time restrictions.

Vice-Chair LaMotte noted that information on the decibel levels of new leaf blowers was readily available.

General discussion on hours of operation and decibel levels took place.

Commissioner Hall said that he would support limiting the hours of operation. He suggested restricting the hours of commercial operators at weekend.

There was general consensus that banning commercial leaf blowing at weekends would not be supported.

Mr. Moore said that he was in a position to craft a draft amendment to the ordinance to present to the commissioners at the next meeting.

Vice-Chair LaMotte opened the public comment period.

Chris Lang, Canyon Road, commented on the current noise ordinance in relation to gas-powered tools. He also addressed decibel measurements and discussed the difficulty of enforcement.

Commissioner Hall said that he would support noise restrictions on all power tools, to which there was general consensus.

6. Discussion/consideration of Civic Engagement Through Digital Information Tools

This item was continued due to the lateness of the hour and the absence of Chair Hamilton who had proposed the discussion.

COMMISSIONER COMMENTS AND REQUESTS

There were no comments or requests.

PLANNING DIRECTOR'S REPORT

Planning Director Moore discussed the difficulties of staff shortages and the work that needed to be done in the Planning Department.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 10.50 p.m.

Respectfully submitted,

Joanne O'Hehir

Report on the Planning Commission meeting of March 21, 2013

The Commission re-elected Shelley Hamilton Chair and Shelby Lamotte as Vice Chair.

12 Vista Way was continued – the applicant had a survey at the request of the neighbor and determined that the plans had been drawn incorrectly. Applicant is correcting the drawings for review at the April 18th meeting.

30 Maple Avenue – approved.

41 Bothin Road – approved

Leaf Blower Ordinance – The Commission went through the list of items they were to address that were included in the Town Council resolution.

The Commission agreed that the Noise Ordinance section of the code is the proper location for any amendments.

They did not want to single out leaf blowers and felt that all motorized equipment should be regulated the same way and have the same noise limits.

They want blower violation readings to be measured from the complainant's property line not the source of the noise citing the fact that that is how noise violations are measured now for other violations.

They were open to further restricting permitted hours of operation for mechanized equipment and possibly to limiting the day's work can occur but did not want to prohibit use on weekends because that is when a lot of owners have time off to maintain their properties.

They did not feel it was fair to have different regulations for homeowner vs. commercial landscapers/contractors citing that fact that some owners work, don't want to maintain their own yards, but would like to be there on a weekend to supervise someone else performing the work/service.

They directed staff to provide them with factual information, perhaps from the California Air Resources Board, regarding whether gasoline powered landscaping equipment is really creating a hazard and/or if the dust created by their use is really a quantified health hazard for the general public. They agreed that the existing noise ordinance could be modified to address the noise concerns and did not want to include regulation of blowers and other equipment based on their emissions unless factual evidence can be provided that they are creating a health risk for a majority of persons.

They directed staff to research what other town's/communities do to educate their citizens and commercial landscaping/construction companies in how to use power tools/equipment in a manner that minimizes noise/dust pollution.

They did not want to set up a permit process and felt that a permit would just add another layer of bureaucracy.

Cindy Swift and John Sergeant, both of 55 Madrone Road, had the following comments:

Not everyone in Fairfax lives on a flat lot and sloped properties in the tree covered hillside areas are difficult to maintain.

It is dangerous to use electric blowers to clear wet leaves just as it is dangerous to have to rake or sweep leaves/wet leaves off of a roof. They often have to do just that to make sure their drains remain clear in wet weather.

Running a lot of extension cords to operate an electric blower at the rear of one's property decreases its effectiveness. A blower connected to too many extension cords does not have the power to move leaves.

The newer gasoline powered blowers operate at a decibel level of 65 to 70 decibels and the average vacuum cleaner operates at a decibel level of 70.

They would like to see reasonable decibel limit set, perhaps between 65 and 75 decibels and would be open to having the use hours further restricted to perhaps between 9 am and 4 pm.

RESOLUTION NO. 13-3

A RESOLUTION OF INTENTION OF THE FAIRFAX TOWN COUNCIL DIRECTING THE PLANNING COMMISSION TO AMEND CHAPTER 8.20, NOISE, OF THE FAIRFAX TOWN CODE TO REGULATE THE USE OF LEAF BLOWERS AND OTHER POWER EQUIPMENT

WHEREAS, the Fairfax Town Council, having conducted a public hearing at their January 10, 2013 regular meeting, has directed staff to initiate an ordinance for consideration that will regulate the use of leaf blowers and other power equipment within the Town limits;

WHEREAS, the Fairfax Town Council has determined that it is in the best interests of the citizens of Fairfax to minimize the impacts of these blowers which have the potential to create significant clean-air and health impacts for the community because they disturb ground-borne particulate matter. Ground-borne particulate matter, when airborne, can be ingested by the general public potentially affecting long term health;

WHEREAS, the Fairfax Town Council has determined that the use of leaf blowers and other power equipment in the community negatively impacts the quality of life enjoyed by residents through the creation of excessive noise during times when residents are in their homes and/or on their property;

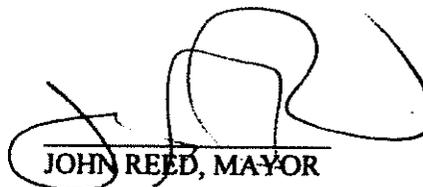
NOW THEREFORE, BE IT RESOLVED,

We, the Fairfax Town Council, direct staff to initiate a proposed amendment to Chapter 8.20, Noise, of the Fairfax Town Code, seeking to regulate the use of leaf blowers and other power equipment to include but not be limited to:

- 1) when the ordinance will take effect (i.e. 6 months after adoption);
- 2) limiting the times and days of the week the blowers and other power equipment can be operated;
- 3) encouraging persons operating leaf blowers or other power equipment to ensure that leaves, dirt and other debris are not blown onto adjoining private or public properties;
- 4) providing for an exception to the ordinance in the case of hardship due to owner infirmity or size of a property;
- 5) whether or not to include both leaf blowers and other power equipment in the regulations;
- 6) inclusion of an exemption during states of declared emergency as determined by the Town Manager;
- 7) whether authorized Town Employees operating leaf blowers on public property during regular business hours should be exempt from the regulations and,
- 8) providing for penalties for violations. We further direct Staff to send the proposed amendment to the Planning Commission for their review and possible action at the regular March 21, 2013, meeting of the Fairfax Planning Commission.

The foregoing resolution was duly presented and adopted at the regular meeting of the Fairfax Town Council of the Town of Fairfax held in said Town on the 10th day of January 2013 by the following vote to wit:

AYES: Bragman, Hartwell, O'Neil, Reed, Weinsoff
NOES: None
ABSENT: None


JOHN REED, MAYOR

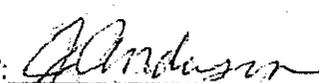
ATTEST: 
Judy Anderson, Town Clerk

EXHIBIT # D

**TOWN OF FAIRFAX
STAFF REPORT**

To: Planning Commission
From: Jim Moore, Director of Planning & Building Services
Date: March 21, 2013
Subject: Drafting an ordinance to restrict leaf blowers and/or other power equipment in the Town of Fairfax

RECOMMENDATION

1. Commence discussion on drafting an ordinance restricting leaf blowers and/or other power equipment in the Town of Fairfax.
2. Give direction to staff on what should be included in a draft amendment to the Noise Ordinance with regards to leaf blower and/or noise producing power equipment.

BACKGROUND

At the October 3, 2012 Town Council meeting, during the public comments period, Mr. Green who resides at Bennet House submitted a petition with background information to ban leaf blowers in the Town of Fairfax. The petition and subsequent letters or emails on this matter are attached as **Exhibit A**.

At the December 5, 2012 Town Council meeting, after taking public comments and holding a discussion on this matter, staff was directed (per Town Code) to prepare a draft Resolution of Intention for Town Council approval directing staff to take this matter before the Planning Commission for a public hearing and/or preparation of a draft ordinance for Council consideration.

At the January 10, 2013 Town Council meeting, the Town Council approved Resolution No. 13-3 (~~attached as **Exhibit B**~~) directing the Planning Commission to amend Chapter 8.20, Noise, of the Town Code to regulate the use of leaf blowers and other power equipment if appropriate. Please note that Resolution No. 13-3 gives an eight point check-list of amendment items for the Planning Commission to consider including in a draft ordinance.

The minutes of the January 10, 2013 Town Council meeting are attached as **Exhibit C**.

DISCUSSION

There are two primary issues related to the regulation of leaf blowers as presented by the original petitioner Mr. Green; those are (1) noise, and (2) air pollution. With regards to other power equipment, which the Town Council added to Resolution No. 13-3 for Planning Commission

EXHIBIT # C

consideration, either or both of these issues may still apply.

Staff has researched several ordinances on this matter and has attached two model ordinances adopted by the Town of Ross and the Town of St. Helena (attached as **Exhibit D & E**) in order to facilitate the Planning Commission's discussion.

Please note that the Town of Ross Ordinance restricts the use leaf blowers and/or other power equipment, except with a permit for certain hours on weekdays and weekends - with a cap on allowable leaf blower decibels at 72 dBA at 50 feet away.

Please note that the Town of St. Helena Ordinance restricts the type of leaf blowers and/or other noise producing equipment to those that are certified by the manufacturer to be at or below 65 dBA from 50 feet away (with all electric leaf blowers allowed) for certain hours on weekdays and weekends: with limits on all "unnecessary" noise creating equipment without a permit.

At this point, staff recommends that the Planning Commission consider restricting the use of leaf blowers and/or other power equipment to either:

- (1) Types guaranteed by the manufacturer to operate at less than 65 dBA for certain hours of operation; or
- (2) Leaf blowers and/or other power equipment that operate in excess of 65 dBA for certain hours of operation - by permit only for certain hours of operation.

Further, staff recommends that the Planning Commission:

- (A) Consider restricting hours of operation for all leaf blowers in order to reduce air pollution;
- (B) Consider whether to exempt Public Works staff's operation of equipment; and
- (C) Consider enforcement challenges for the Police Department and/or Building Official.

FISCAL IMPACTS

The cost associated with this task is limited to staff time required to prepare an ordinance and staff time to enforce compliance.

ATTACHMENTS

Exhibit A – Petition and letters

Exhibit B – Resolution 13-3

Exhibit C – January 10, 2013 Town Council Minutes

Exhibit D – Town of Ross Leaf Blower Amendments

Exhibit E – Town of St. Helena Leaf Blower Amendments

**TOWN OF FAIRFAX
STAFF REPORT**

To: Planning Commission

From: Jim Moore, Director of Planning & Building Services

Date: April 18, 2013

Subject: Drafting an ordinance to restrict leaf blowers and/or other power equipment in the Town of Fairfax

BACKGROUND

The Planning Commission started discussing this matter at their March 21, 2013 meeting. The staff report for that meeting is attached as **Exhibit A** (and the draft minutes of that meeting are attached elsewhere in the packet of the April 18, 2013 meeting).

At the March 21, 2013 Planning Commission meeting staff was requested to provide the Commission with a report from the Air Resources Board titled *A Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers*. That report is attached as **Exhibit B**.

Also at the March 21, 2013 Planning Commission meeting, during the public comment period, the Commission heard from two citizens who spoke in favor of limiting the hours of operation of leaf blowers – but not banning them, particularly on weekends. Subsequent to that hearing, the two citizens provided follow-up letters articulating their points and those letters are attached as **Exhibit C**.

DISCUSSION

In addition to the points enumerated in the March 21, 2013 staff report – and raised at that meeting, staff would like to call the Commission’s attention to the new 2010-2030 General Plan – Noise Element. Specifically, with regards to: Goal N-3: Maintain the current quality of the acoustical environment. Goal N-3 provides a “representative list of standard controls”. These include:

- a. Limit construction to the hours of 8:00 a.m. to 5:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on Saturdays, with no noise-generating construction on Sundays or holidays.
- b. Control noise from construction workers' radios to the point where they are not audible at existing residences that border the Project site.
- c. Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- d. Utilize quiet models of air compressors and other stationary noise sources where technology exists.

- e. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- f. Prohibit unnecessary idling of internal combustion engines.
- g. Notify residents adjacent to the Project site of the construction schedule in writing.
- h. Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

Staff recommends that the Planning Commission take the above “standard controls” from the Noise Element of the 2010-2030 General Plan into consideration in drafting leaf blower and/or other power equipment regulations (e.g., proposed amendments to Chapter 8.20, Noise, of the Fairfax Town Code) for Town Council consideration. However, with regards to item “a” above, if the Commission chooses to limit hours of operation of leaf blowers and/or other power equipment in Town, please keep in mind that under certain circumstances the Commission may want to allow for exceptions to the time restrictions.

For example, on large construction projects, particularly during summer months, it might be in the best interest of neighbors in the vicinity of a project to speed up completion by allowing construction past 5:00 pm. This was the case with the rehabilitation construction of the new Good Earth Market in the summer/fall of 2011; or, as will be the case with the creek bank restoration at Fair Anselm Plaza (already entitled) this coming summer; and/or with cases of financial hardship to complete small residential projects in Town – or under other unforeseen circumstances.

Finally, staff would like to remind the Commission that the Council had other requests that are stipulated in the Resolution No. 13-3: which is attached as **Exhibit D**.

RECOMMENDATION

1. Continue discussing drafting an ordinance restricting leaf blowers and/or other power equipment in the Town of Fairfax.
2. Give direction to staff on what should be included in a draft amendment to the Noise Ordinance with regards to leaf blower and/or noise producing power equipment.

FISCAL IMPACTS

The cost associated with this task is limited to staff time required to prepare an ordinance and staff time to enforce compliance.

ATTACHMENTS

Exhibit A – March 21, 2013 PC Staff Report

Exhibit B – Air Resources Board Report

Exhibit C – Letters from the public

Exhibit D – Resolution No. #13-3

KEVIN AND MARTHA HANSEN
23 MANOR ROAD
FAIRFAX, CA 94930
415-456-3766

RECEIVED
MAY 08 2013
TOWN OF FAIRFAX

MAY 6, 2013

DEAR JIM MOORE:

I WOULD LIKE TO BRING TO YOUR ATTENTION AN INJUSTICE TO PEOPLE HERE IN FAIRFAX WHO HAVE A LUNG PROBLEM. PEOPLE WHO HAVE LEAF BLOWERS ARE CAUSING A HUGE PROBLEM FOR PEOPLE WITH LUNG PROBLEMS SUCH AS MYSELF AND AL BAUER WHO HAS COPD. NOT TO MENTION THEY PEOPLE WHO USE THESE BLOWERS JUST MOVE THE LEAVES FROM THERE PROPERTY TO SOMEONE ELSE'S. MY HUSBAND (KEVIN HANSEN) IS A WITNESS TO THIS. THE PEOPLE ACROSS THE STREET FROM US HE HAS SEEN THEM BLOW THE LEAVE OVER TO OUR SIDE AND JUST LEVE THEM. SINCE KEVIN HAS TOLD THEM NOT TO BLOW THEM TO OUR SIDE OF THE STREET THEY HAVE STOPPED THIS, BUT KNOW THEY ARE BLOWWING IT NEXT DOOR TO KATHERINE'S HOUSE. THE SECOND PERSON WHO WE HAVE CAUGHT BLOWING LEAVES IN FRONT OF OUR HOUSE IS MR. CARSON.

I HOPE TO AND THE COMMITTEE WILL STOP THE USE OF LEAF BLOWERS IN OUR LOVELY TOWN OF FAIRFAX. WHY CAN'T THEY GO BACK TO RACKING THE LEAVES UP AND REMOVE THEM.

SINCERELY,


MARTHA J. CAMPINI-HANSEN

EXHIBIT # E

From: Cindy Swift
55 Madrone Rd
Fairfax

Date: 25 Mar 2013

To: Linda Neal, Senior Planner, Planning & Building Services, Fairfax
Planning Commission

Subject: Draft Ordinance – Regulating Leaf Blowers and Town Council Resolution 13-3

I am following up my public comments at the March 21st Planning Commission meeting with a written statement as well as references.

1. Scope: the original 'petition' addressed leaf blowers, and as I recall, was initiated because of an issue at Bennett House with commercial (heavy duty) leaf blower use. The petition did not address any other type of power equipment. Other power equipment includes chain saws, weed/hedge trimmers, leaf chippers, compressors, generators, power drills, etc., all of which come in non-commercial models for use by homeowners and are addressed in the current noise control ordinance.

Recommendation- Confine the addressing of the code to only leaf blowers.

2. Power Source/dBA Levels: Both electric and gas leaf blowers fill a need. Electric blowers do not meet the needs of all homeowners either due to the size of the property, capability or for safety reasons. Extension cords do not cover all properties and the longer the cord the lower the voltage. I have a redwood tree that drops needles on my roof. An electrical blower creates a safety issue with usage of the cord on the roof. Electrical blowers can also have a higher pitched noise than gas blowers. A comparison of sound levels in the environment in a 2000 CEPA, Air Resources Board (ref 1) report labeled 50-70 dBAs as 'moderately loud' and in that category at 70 dBAs were vacuum cleaners.

Recommendation: Approve both electric leaf blowers as well as gas powered blowers in the range of 65-70 dBAs. (The town of Davis has a 70 dBA limit and distinguishes between commercial and homeowner use in that the 70 dBA at fifty feet restriction does not apply if the blower is operated for 10 minutes or less per occurrence.)

3. Town Exemption: The current noise control ordinance states that all town departments shall ~~comply with the noise control chapter and the Town should follow any language on leaf blowers.~~

4. Hours restrictions – if a restriction in this area is sought for leaf blowers then a reasonable limitation would be 9-5 M-F and 9-4PM on Sat, 10-3PM on Sun. This allows a reasonable time for landscapers as well as the homeowner who works M-F and therefore cannot complete all their maintenance tasks during the week.

5. Any changes to the noise control chapter needs to take into consideration the workload impact on the existing Town staff.

6. I do not know the normal code process but would recommend that any changes have a paragraph stating that they will automatically be reviewed one year later.

References:

1. California Environmental Protection Agency, Air Resources Board report, "A Report to the Legislature on the Potential Health and Environmental Impacts of Leaf Blowers" Mobile Source Control Division February 2000.

I recommend reading this thorough report. While it was issued in 2000, I have not found anything more recent. The report was prepared at the request of the California Senate. The Senate wanted a summarization of the potential health and environmental impacts of leaf blowers along with recommendations for alternatives. The report addresses exhaust admissions, dust emissions and noise. It also reviews local ordinances and regulatory approaches, including towns such as Davis, CA. This report concluded that new exhaust standards put in place had significantly reduced exhaust admissions from engines used on leaf blowers and that manufacturers had further reduced admissions below what was required by law. Also there was no data to show that fugitive dust emissions were any different from alternatives such as rakes, brooms or vacuums. The report addresses noise impact on commercial landscapers, homeowners and bystanders and did not find any conclusive research tying 'chronic' exposures with any particular adverse health issue.

2. www.leafblowernoise.com : This site is authored by a former Vice President of Engineering for Echo Inc., who since his 2002 retirement has worked as a consultant. While at Echo he oversaw the development of the first quiet leaf blower. While he is a member/former member of the industry the site has good links to information including a guides on the safe and 'courteous' use of leaf blowers. (Planning Commission members had raised the issue of education.)

Planning Commission

Ordinance to Restrict Leaf Blowers and Other Power Equipment

1. The petition.

- a. Factually incorrect using scare tactics “ brake dust asbestos”
- b. Many signatures not from residents of Fairfax e.g. many other towns in Marin and other Bay Area cities and signatures from: Ukiah, Toronto Ontario, Santa Clara, Boulder Creek, Chicago and several from NYC. Ireland.

2. Leaf Blowers

- a. Modern gas leaf blowers from several manufacturers have much less than older equipment. (See the ANSI B 175.2 Standard). Around 70db which is about the same as a house vacuum cleaner.
- b. Electric leaf blowers. Don't have same performance as gas models because of available power- length of power cord and lack of outdoor outlets. Electric blowers generate a very high pitched scream similar to a shop vac.

3. Dr. Nancy Steele of the California Air Resources Board

A. Conducted 1 year study of leaf blowers for the California legislature. She and her staff concluded that “there is no scientific evidence that leaf blowers are any more detrimental to the environment than the alternatives. Under certain conditions brooms are likely to lift more dust than leaf blowers. They can dislodge caked dirt and generate dust the leaf blowers would normally leave behind”.

4. Recommendation:

Set realistic sound levels for the use of leaf blowers (75db(A).) and possibly restrict hours of operations, Suggest only 9 to 4 or something in that range. This will help in getting voluntary compliance. An outright ban does the opposite. Our police have more important things to do than write tickets for unrealistic limitations.

Thank You

John Sergeant

55 Madrone Rd., Fairfax

EXTREME HEALTH HAZARDS OF LEAF
YARD CLEAN UP BLOWERS

JAN 22 2013

RECEIVED

GREED, ONE OF THE SEVEN DEADLY SINS IS DRIVING THE USE OF YARD CLEANUP LEAF BLOWERS. PEOPLE THINKING THEY ARE SAVING MONEY. HOWEVER GRAND JURY INVESTIGATIONS HAVE SHOWN THAT THE NEGLIGIBLE SAVINGS ARE MORE THAN OFFSET BY THE EXTREME HEALTH HAZARDS OF USING THESE HURRICANE FORCE WIND LEAF BLOWERS BLOWING UP DUST, FELDS, PESTICIDES, SPORES, FUNGI DISEASE, VIRUSES ETCETERA INTO THE AIR WE ARE BREATHING THESE THINGS ARE BLOWN INTO OUR AIR ALL OVER THE NEIGHBORHOODS DAMAGING THE HEALTH OF ALL LIFE FORM. BIRDS, WORMS, PLANTS, PETS, HUMANS AND THE PLANET ITSELF IS BEING AFFECTED BY GLOBAL WARMING. EVERY YEAR IS THE HOTTEST ON RECORD OVER YEARS PAST.

THE NOISE POLLUTION IS DAMAGING TO OUR MENTAL HEALTH AND KNOWN TO DRIVE PEOPLE CRAZY INVESTIGATIONS HAVE SHOWN.

MANY COMMUNITIES HAVE OUTRIGHT BANNED THEIR USE - GREEN WICH, ORANGE COUNTY, LOS ANGELES, SANTA BARBARA, ST. HELENA, TIBURON, ROSS, BELVEDERE TO NAME JUST A FEW.

COMPASSIONATE RESPECT FOR OUR FRIENDS AND NEIGHBORS DEMANDS WE BAN THESE HEALTH HAZARD BLOWERS AS RESPONSIBLE INTELLIGENT PEOPLE. STOP THE KILLING. AIM DIRECTLY BY PASSING THE PORK. BAN BLOWERS

Douglas Green

Jim Moore

From: Pam Hartwell [sustainablepam@gmail.com]
Sent: Tuesday, December 11, 2012 12:08 PM
To: Jim Moore
Subject: Fwd: Leaf Blowers Ordinance

AND then there is this. Since you and the Planning Commission are the first to take a pass at this, I will forward any citizen comments to you.

Pam Hartwell

----- Forwarded message -----

From: Lance Haag <lance@stellaco-inc.com>
Date: Tue, Dec 11, 2012 at 11:36 AM
Subject: Leaf Blowers Ordinance
To: phartwell-herrero@townoffairfax.org, jreed@townoffairfax.org, lbragman@townoffairfax.org, dweinsoff@townoffairfax.org, roneil@townoffairfax.org

Dear Town Council members;

I am a resident of Fairfax: 155 Canyon Road

I read that you are contemplating a possible ban on the use of leaf blowers in the town. I am vehemently opposed to such an action for the following reasons:

- 1) This is the USA, a free country and I believe I should have the same rights as other Americans to use a legal labor saving tool. I don't have much spare time. Unlike some residents I moved here in 2006 and paid a very high price for my home, and pay very high property taxes. Earning the money to pay these bills takes a lot of my time.
- 2) I invested in a leaf blower and such an ordinance could be viewed as a taking of my property. I also own a gas powered chain saw and a weed eater which I use to clear defensible space each spring.
- 3) The driveway to my home is very steep and dangerous if wet leaves are allowed to accumulate upon it. It would be very time consuming to clear the leaves by other means. Who will be responsible if an accident occurs due to wet leaves that could have been blow away by a leaf blower in time to leave for work? My wife and I both have very demanding jobs and we have 2 kids with full schedules. We have had several bicycle

crashes just going up and down the driveway when there are wet leaves on it. It is a struggle to make ends meet and we do not pay a gardener to take care of our property, we do it ourselves.

4) This issue and the principle behind it (i.e., freedom) gets my vote. Believe me, this topic will be discussed with other neighbors who are also busy. What is next—a ban on cars with more than 4 cylinders? A ban on lawn mowers? Chain saws? Weed eaters? How about noisy electric power tools? Will the town pay the impacted citizens for the taking of their property as required by the US constitution?

5) This issue rates civil disobedience in my opinion and I will ignore it if you pass it. If I get a citation for use of the device I will explore my options to contest the legality of the ordinance with an attorney and the town can expect to face some legal costs.

Please don't let the vocal minority influence you to attempt to take away the rights of the majority

Sincerely;

Lance Haag

DEC 17 2012

To the Town of Fairfax.

RECEIVED

Let me join my voice to the chorus of our town's people asking you to completely prohibit the use of gas-powered leaf blowers.

The use of gas powered blowers is ^{almost} exclusively by commercial landscaping companies who have been hired by the few wealthy homeowners who can afford such services, while the majority of our neighbors either rake or use electric blowers.

For 15 years, I have truly suffered every single week because of 3 neighbors whose hired gardeners each blast their extremely high pitched loud gas blowers every week for one solid hour to almost two hours! I suffer from a central nervous system disease, and if I cannot leave my home, the effects of this noise bomb wrecks me for hours afterwards.

I have begged these neighbors to switch to electric blowers or to just reduce the amount of time, but compassion did not prevail.

Please, give us as a people, the right to live in health and peace. I cannot imagine the inconvenience of a paid employee to deal with a few extension cords could possibly be an argument against the quality of life for all residents of our beloved valley.

Thank you, Marsha Wildvine 415-306-7160

TOWN OF FAIRFAX

DEC 31 2012

RECEIVED

Jessica Green
154 Ridgeway Avenue
Fairfax, California
94930

December 12, 2012

To The Town of Fairfax regarding passing an ordinance to abolish the citizens right to use
Blowers to clean property of debris and leaves.

This would be a hardship for some of us who cant afford to hire help to sweep. I have a bad back but
am able to use a blower. I am the only person who cleans and maintains at least part of our street
which is not a town maintained street. I also use it to clear my driveway and front deck and hill below
which otherwise would have a lot of dry leaves which are a fire hazard. Perhaps it should be put on a
ballot, but really the people who use blowers themselves quite often cannot afford help to do it and as
for the others who pay for help, this help will suddenly be a lot more expensive to get because it will
increase the time and energy to do this cleaning by about eight times.

Please consider not passing a resolution or ordinance to outlaw this tool to clean our streets and
private property.

Thank You,

Sincerely,

A handwritten signature in black ink, appearing to be 'Jessica Green', with a long, sweeping horizontal line extending to the right.

Jessica Green

Date: 12-6-12

Invoice #:

Client:

Fairfax Town Council TOWN OF FAIRFAX

Bolinas Rd. JAN 03 2013

FX. RECEIVED

Christopher H. Lang
 MARIN SERVICES, LTD.
 State Contractor's License # 573794
 P.O. Box 287
 Fairfax, CA 94978
 (415) 457-8687

Info. re: Gas powered leafblower regulation

(New blowers are much quieter than older ones)

Date	Hours	Rate	Description of Services	Materials	Amount
#1			Leafblowers can be are already regulated under Fx. noise ordinance re: hours of operation - see attached. ^{p.31} (Remove D. from Exemptions)		
#2			All commercial use is already regulated, is anyone who earns more than \$500/year from one homeowner must be a licensed contractor (State Bus. & Prof. code) or be that homeowner's employee (1099 vs. W-2). Ask P.P. to enforce existing reg.		
#3			Commercial users must also have a Fx. Bus. Lic.		
#4			Advise Town to setup an actual noise test, ie decibel-meter @ 50 feet from: woodsplitters, chipper, backpack blower, handheld blower, string trimmer and chain saws. This would enable us to have an actual measurement of these tools.		
#5			Fact-based analysis of situation reveals noise problem is caused by improperly trained users running older generation backpack gas blowers at full throttle, when it is not necessary, in my expert opinion. Operators need to be compliant w. existing reg.		
#6			Electric leafblowers are dangerous to use when working on rooftops or wet conditions. Gas powered units are more powerful, w. lower frequency noise, and far more mobile, used to clean roofs, gutters, decks, patios, staircases, walkways, driveways and street frontages.		
Please make checks payable to Chris Lang. Thank you.			Total Due		

Rating is not cost effective or good enough for commercial applications and dust control is not limited to use on residential sites

Rain Water Harvesting

Gov. Jerry Brown has signed legislation strongly supported by the California Landscape Contractors Association that gives landscape contractors the ability to install a system that captures rain water for exclusive use in landscape irrigation or a water feature.

Assembly Bill 1750, authored by Assemblymember Jose Solorio (D-Santa Ana), enacts the Rainwater Capture Act of 2012, which clarifies that the use of rainwater collected from rooftops does not require a water right permit from the State Water Resources Control Board.

More importantly from CLCA's standpoint, the bill adds a provision to Contractors' License Law that allows landscape contractors to sign contracts for the construction of those systems when they are used exclusively for landscape irrigation or as a water supply for a fountain, pond, or similar decorative water feature in a landscaping project.

In addition, AB 1750 permits landscape contractors to use their own employees to design and install those exterior components of a rainwater capture system that are not part of, or attached to, a structure.

CLCA made a strong case as the measure worked its way through the Legislature that AB 1750 offered property owners a "one-stop solution," as it saves them from having to sign separate contracts for different system components. By signing the prime contract for a rainwater capture system, the landscape contractor takes full responsibility for scheduling the work and completing the project on time.

The California Building Standards Commission is currently working on updates to the California Plumbing Code that will include building standards for rainwater catchment systems for the first time. CLCA Assistant Executive Director Larry Rohlfes has been working with CLCA's Resource Management Committee and Graywater/Rainwater Capture Task Force to review the proposed standards, which are scheduled to debut in the 2013 edition of the California Plumbing Code. "Hopefully the combination of the Rainwater Capture Act of 2012, which goes into effect on January 1, 2013, and the 2013 building standards will stimulate demand for this water conservation technology," he says. "Landscape contractors are now in an excellent position to address it."

Unlicensed Contractors Stung

*CALIF. LANDSCAPE CONTRACTORS ASSOCIATION
12/12 Submitted by Christopher H. Lang*

CLCA's San Luis Obispo Chapter participated in a Contractors State License Board sting operation by providing a residence for an October 17 and 18 operation and submitting leads prior to it on local unlicensed landscapers and tree trimmers.

Taking advantage of an incentive program that CLCA put in place last year, the chapter requested an honorarium from the association for the owner of the Arroyo Grande residence. CLCA Headquarters immediately wrote a \$500 check to the owner.

Working with the Arroyo Grande Police Department, the San Luis County Sheriff's Office, and the San Luis Obispo County District Attorney's Office, CSLB Statewide Investigative Fraud Team (SWIFT) investigators posed as homeowners seeking bids for various construction jobs. By the time the sting was over, eight individuals without contractors' licenses had received notices to appear in criminal court.

The Arroyo Grande operation was one of eight simultaneous sting operations on October 17 and 18 — SWIFT's autumn "California Blitz." A total of 92 individuals were arrested and face misdemeanor charges for contracting without a license. The penalty for a conviction is up to six months in jail and/or a fine of up to \$5,000. At least two are repeat offenders and now face a mandatory 90-day jail sentence if convicted a second time.

Seventy-seven of the individuals also may be charged with illegal advertising. The penalty is a fine of \$700 to \$1,000. Twelve others may be charged with requesting an excessive down payment. This misdemeanor charge carries a maximum penalty of six months in jail and/or up to a \$5,000 fine.

Fourteen of the phony contractors also were issued stop orders. CSLB investigators can halt job site activity when any person with or without a license does not have workers' compensation insurance coverage for employees. Failure to comply with a stop order can result in misdemeanor charges and penalties, including 60 days in jail and/or up to \$10,000 in fines. One of the 14 contractors was licensed.

