



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 7, 2019

Agenda Item 9C
Approvals:
City Manager ES
Dept. Head EP for CGD
Attorney _____
Finance _____

Department: Community Development
Prepared By: Christopher Wright, Associate Planner II CTW

Subject: *REGULATION OF THE OPERATION OF LEAF BLOWERS – SUPPLEMENTAL REPORT*

Fiscal Impact: None. This item is limited to code changes that do not require expenses.

Summary: After an agenda report was finalized for this item, the Public Works Department requested revisions to the alternative ordinance staff proposes in the initial staff report. Staff recommends revisions to the alternative ordinance summarized below.

Background: San Clemente Municipal Code (SCMC) Section 8.48.090 exempts City maintenance, weed abatement, and other types of activities from noise standards between 7 a.m. and 6 p.m. on weekdays, and 8 a.m. and 6 p.m. on Saturdays, excluding holidays. The alternative ordinance requires leaf blower operations to occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. The operating hour restrictions would also apply to City maintenance, weed abatement, and other activities exempt from noise standards, if they occur within 200 feet of residential uses. The Public Works Department is concerned that the more restrictive operating hours would limit the City's ability to use leaf blowers to clear areas in front of businesses and public spaces when they aren't in use.

Discussion: The proposed revisions, provided as Attachment 1, would allow leaf blower operations to be exempt from the new operating hour restrictions for activities that are exempt from noise standards (e.g. City maintenance, Weed abatement, urgent construction activity for public safety, etc.).

Recommended Action: STAFF RECOMMENDS THAT THE CITY COUNCIL consider the proposed revisions, provided as Attachment 1, as part of the alternative ordinance in the initial staff report.

- Attachments:**
1. Proposed revisions to alternative ordinance recommended by staff (provided as Attachment 3 to initial staff report)
 2. SCMC Section 8.48.090, Activities exempt from noise standards

Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.090 – Exemptions from Chapter, Subsection G is amended as follows, and Subsection P is added, as follows:

- G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
- P. Leaf Blower Operation. Refer to Chapter 8.50.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

- A. The use and operation of leaf blowers shall only occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. Leaf blower operations for activities exempted from noise standards in Chapter 8.48, such as City maintenance and Weed Abatement Program activities, ~~shall only occur during~~ are exempt from these operating hour restrictions ~~when leaf blowers are operated within 200 feet of residential uses.~~
- B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- C. Commercially operated leaf blowers operated after May 7, 2020 shall meet the requirements in this Subsection. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, and (4) their City-issued business license number. In addition, commercially operated gasoline-powered leaf blowers must affix a manufacturer certification label from the American National Standards Institute ("ANSI") certifying gas leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each

Municipal Code Section 8.48.090
Activities exempt from noise standards

ATTACHMENT 2

8.48.090 - Exemptions from Chapter.

The following activities shall be exempted from the provisions of this chapter:

- A. Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.
- B. Any events (including outdoor gatherings, public dances, shows and sporting and entertainment events) conducted pursuant to a Special Event Permit or Special Activity Permit issued by the City.
- C. Activities conducted on any park or playground provided such park or playground is owned and operated by a public entity.
- D. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- E. Noise sources associated with construction activity, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday, and provided all grading activities also comply with Section 15.36.190 of the City's Municipal Code regarding time of grading operations.
- F. Noise sources associated with construction activity for which a permit has been granted by the City based upon:
 - 1. A case of urgent necessity in the interest of public health and safety. Such permit may be granted for a period not to exceed three (3) days while the emergency continues; or,
 - 2. A determination by the City that the public health and safety will not be impaired and that no loss or inconvenience would result to any party in interest.
- G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
- H. Activities carried out under the City's weed abatement program, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday.
- I. Any activity to the extent regulation thereof has been preempted by state or federal law.
- J. Activities of the federal, state or local government and its duly franchised utilities.
- K. Trains operated in conformity with and regulated by any federal or state agency.
- L. Traffic operating on public streets or highways, with the exception of the specific noises prohibited in Section 8.48.070 of this chapter. All such traffic remains subject to the noise limits prescribed by the California Vehicle Code.
- M. Activities necessary to continue to provide utility services to the general public, whether this service is installing additional facilities, restoring worn or damaged facilities and/or maintaining existing services.
- N. Warning devices necessary for the protection of public safety, as for example, police, fire and ambulance sirens, and train horns.
- O. Those commercial and/or industrial operations in existence prior to the date of adoption of this chapter, if in compliance with local zoning statutes, shall be granted a six (6) month period from the date of adoption with which to comply with the provisions of this chapter. If, at the end of the six (6) month period, it can be shown that compliance with the provisions herein constitutes a

hardship in terms of technical and economic feasibility, an exception may be granted on an annual basis until such time as compliance may be affected.

(Ord. 1450 § 1 (part), 2007)