



Memorandum

Date: October 13, 2021
To: Recreation and Park Commission
From: Adrienne Heinig, Assistant to the Director, Public Works Utilities & Operations
Stan Gryczko, Director, Public Works Utilities & Operations
Subject: Modifications to Leaf Blower Ordinance & Recommendation Process

Recommendation

Informational/Action Item

- Receive staff memo presented to Natural Resources Commission on September 27, 2021 providing a summary of work to date and survey responses for the discussion on leaf blower use; and
- Review recommendations from the Natural Resources Commission made during their discussion on leaf blowers at the September 27, 2021 meeting; and
- Consider supporting the Natural Resources Commission recommendations to modify the City's current leaf blower ordinance (Section 24.02.040(b) of the Davis Municipal Code), or develop alternative recommendations from this Commission for Council consideration.

Background

While the use of leaf blowers within the City of Davis has been a topic of discussion for a number of years, a substantial fire season from August to October 2020 severely impacted air quality within the City of Davis, and brought additional attention to the use of leaf blowers during periods of significant air quality impacts. Ash particulates on the ground in 2020 further contributed to concerns with leaf blower use.

The Natural Resources Commission (NRC) produced a draft report presented to Council in September 2020, with a recommendation that leaf blower use in the City be halted in observance of the ash particulate and other air quality impacts. After discussion at several Council meetings, the Council adopted a resolution proclaiming a local air quality emergency, and authorized the City Manager to:

Impose a temporary ban on the use of leaf blowers and authorizing the Director of Public Works Utilities & Operations, acting as Assistant Director of Emergency Services, to suspend and reinstate the ban as needed, depending on air quality conditions, the presence of wildfire ash, future air quality forecasts, and/or forecasted smoke conditions for the region.

As of the drafting of this report, the local air quality emergency is still in effect, and the City has had cause to ban the use of leaf blowers, based on the criteria in the resolution, twice since the beginning of 2021 (August 18-23, 2021 and from August 27 - September 2, 2021).

In addition to the action directed on the local air quality emergency, City Council directed staff to “return to the City Council at a future meeting with a full analysis of the NRC’s report and a staff recommendation for amending the Davis Municipal Code.”

Leaf Blower Ordinance Revision Process to Date

As stated in the attached memo to the NRC, staff and a subcommittee of the NRC have been working on possible modifications to the City’s leaf blower ordinance since the end of 2020. The City released two surveys (for community members and for commercial responses), reached out to jurisdictions that have modified their ordinances for leaf blower use, and had discussions with City staff on possible impacts to work load and resource allocation should restrictions be placed on leaf blower use. The results of these surveys and summaries of the discussions are included in the attached memo.

City staff are also watching the status of AB 1346, also detailed in the attached memo, which may restrict the ability to purchase gas-powered leaf blowers (and other small off-road engines) in California after January 2024.

Natural Resources Commission Discussion and Recommendations

Based on City Council direction, City staff is working with the NRC on the development of recommendations related to the City’s leaf blower ordinance. Interested Commissions were invited to participate in the leaf blower discussion with the NRC via a memo distributed to staff liaisons at the beginning of September. The Recreation and Park Commission was the only commission which elected to participate in the leaf blower discussions via the assignment of a commission liaison.

At their meeting on September 27, 2021, the NRC, along with the Recreation and Park Commission (RPC) representative, received a presentation from staff on the background of the recent (and temporary) actions of the City Council on leaf blower use, and the recommendations of the NRC subcommittee on possible modifications to the City’s ordinance, along with staff responses on those recommendations.

Discussion at the meeting included the following topics:

- The request for further detail on the staff recommendations for the modifications on the start time for leaf blower use on weekends (related to general start times for blower use across the State, as well as allowing work to start while the weather remains cooler in the summer months), and the silent response to the

last recommendation for a total ban on leaf blowers in residential areas (addressed in the memo to the NRC).

- The variety of feedback from the surveys, with some of the members of the community feeling very strongly about the need to eliminate the use of leaf blowers, with other members of the community feeling as strongly that no modifications should be made.
- The need to raise public awareness of the benefits of leaf mulch, and a conversation that essentially boils down to aesthetics versus public health.
- The focus on residential areas, especially given the volume of feedback related to noise complaints, and the importance of mitigating the risks of fugitive dust (particulate matter suspended in the air primarily from soil) in the places where people live.
- The benefits of electric or battery-powered vacuums as a replacement for leaf blowers in most uses.
- The importance of carving out exceptions to the ban on gas-powered leaf blowers and vacuums after January 2023 for public landscape, park maintenance and public safety needs.
- The need for the City to establish best management practices to prioritize the use of alternatives to leaf blowers whenever feasible and possible.

Public Comment on the item included concerns that the AQI ban currently in place is not addressing the local air quality issues, the ban on leaf blowers should include all types, as there are additional issues related to leaf blower use that are independent of the power types, the concern that multifamily housing properties should also be restricted from using leaf blowers for tenant safety, and the need to provide more education on the benefits of leaf mulching.

At the conclusion of the discussion, the Commission made the following recommendations. *(Of note, the Commission voted on each recommendation. The votes are included in parenthesis with each bullet for Commission reference)*

Short-term Actions

Amend the City's Municipal Code Section 24.02.040(b) with the following:

- Make the current Air Quality Index (AQI) limits¹ on leaf blowers permanent for all City and City contractor use. (3-1-1)
- Amend the City ordinance to prohibit all use of blowers before 8 am on weekdays and before 9 am on weekends. (Unanimous)
- Launch a public-messaging campaign to raise awareness of the exhaust emissions, dust, and debris pollution from blowers, as well as the benefits of leaf

¹ City Of Davis Executive Proclamation and Order No. 02-2020 - "The conditions that will result in the imposition of a ban on the operation of all powered blowers include AQI values exceeding 100 (unhealthy for sensitive groups), the presence of wildfire ash settled on the ground or other surfaces, and future air quality forecasts."

mulching and leaving organic material in place to landscaping, and to promote use of (electric) leaf vacuums as alternatives to blowers. (Unanimous)

Long-term Actions

- By January 1, 2023, amend the City's ordinance to prohibit all use of gas-powered leaf blowers and vacuums within City limits, with limited exceptions of the use of gas-powered vacuums for public landscape, park maintenance and public safety needs. (Unanimous)
- By January 1, 2024, amend the City's ordinance to prohibit all use of leaf blowers on residential lots (including single-family homes, apartment complexes and HOA-maintained common areas). (Unanimous)

The Commission also requested a check-in on the leaf blower ordinance in one year, prior to the prohibition of the use of all leaf blowers in residential areas, to determine if the full ban on blowers remains a priority for implementation in a year, or if the implementation of the full ban for residential areas could be pushed out a year or two more, based on the level of continued complaints and/or significant unforeseen challenges.

Additional Feedback from Staff

With the recommendations from the NRC formalized, staff revisited the question of potential cost of replacing existing gas-powered leaf blowers with electric or battery-powered blowers with Parks Division staff, as well as the potential increases in costs associated with reduced or no leaf blower use in City parks and public spaces. While concrete cost impacts likely will not materialize until, if, or when a ban on gas-powered blowers is put into effect by the Council, Parks staff estimate that the costs per blower, to replace the current gas-powered units with electric versions, will roughly double, when the cost of the blower is combined with the backpack battery and charger costs. To replace the current set of blowers maintained by the City would therefore run just under \$40,000. Challenges remain with the run time of battery-powered blowers, and the refill benefits of gas-powered blowers over the recharge time necessary for battery-powered.

Staff also indicated that the City's contract landscape company would need to augment their blower supply (rather than replace) as other communities would not have gas-powered leaf blower restrictions, however with the current number of blowers utilized by the contractor the cost to purchase the blowers that could be used in Davis would be high. Additional discussions around resources and time spent on each job would need to take place, as it would likely take longer for work to be completed.

Staff further indicated that currently electric or battery-powered leaf blowers are harder to maintain, as there are harder parts to find and fewer qualified mechanics to service them, and overall the battery powered and electric blowers do have a shorter life expectancy. Should the State ultimately require all new small off-road engines for sale in

California to be zero emission by 2024, it is likely that some of these challenges could be addressed, however that timeframe is still unknown.

Current Timeline *(tentative)*

Staff will take the NRC recommendations, and any endorsements or alternative recommendations from the Recreation and Park Commission, to City Council for review and action.

Month	Activity
June - July 2021	Release surveys and collect data
July-August 2021	Close surveys, analyze data, staff and agency responses, and staff recommendations for NRC discussions
September-October 2021	Present report, recommendations on leaf blower modifications to NRC, other interested commissions as necessary
October-November 2021	Return to Council with recommendations on leaf blower modifications

Attachment

- September 27, 2021 Staff Memo to Natural Resources Commission (and attachments)