

## LEAF-BLOWER BAN IN OAKLAND, CA

# Oakland Bans the Use of Combustion Engine-Powered Leaf Blowers and String Trimmers

- [Prohibition on Combustion Engine-Powered Leaf Blowers and String Trimmers Ordinance \(OMC 8.64\)](#)

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## Prohibition on Combustion Engine-Powered Leaf Blowers and String Trimmers Ordinance (OMC 8.64)

Combustion engine-powered leaf blowers and string trimmers are those powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous liquid. These devices pose significant health hazards to both equipment operators and Oakland residents, including the discharge of particulate matter, carbon monoxide, unburned fuel, and ozone. They also contribute to climate change by emitting carbon dioxide, a greenhouse gas, and generate significant noise pollution, a paramount concern for Oakland residents.

### New Regulations

Oakland City Council unanimously adopted [Ordinance No. 13616 C.M.S.](#) on October 6, 2020, adding Chapter 8.64 to the Oakland Municipal Code prohibiting the following on public and private property in the City of Oakland:

- No person shall operate any combustion engine-powered leaf blowers or string trimmers in Oakland in either public or private settings;
- No owner of real property, tenant in possession of real property, or person in control of real property shall allow the operation of combustion engine-powered leaf blowers or string trimmers on the property; and
- No person who owns or operates a gardening, landscape maintenance or similar service shall operate or allow an employee or agent of that service to operate combustion engine-powered leaf blowers or string trimmers.

### Recommended Alternatives

The City is urging users to replace the combustion engine-powered equipment with electric and/or non-motorized alternatives. Examples of electric equipment can be found at <https://ww2.arb.ca.gov/our-work/programs/zero-emission-landscaping-equipment/zero-emission-lawn-equipment>.

### **Timelines & Penalties for Noncompliance**

Penalties ([OMC Chapter 1.12](#)) will be imposed beginning in **April 2021** for violations related to combustion engine-powered leaf blowers and **October 2021** for violations related to combustion engine-powered string trimmers.

## **LEAF-BLOWER BAN IN WASHINGTON, DC**

# **Leaf Blower Regulations**

On January 1, 2022, the [Leaf Blower Regulation Amendment Act of 2018](#) took effect. The Act prohibits the use of gasoline-powered leaf blowers in the District of Columbia and impacts landscapers who do business in the District, and residents who own gasoline-powered leaf blowers. Companies or individuals that now use gasoline-powered leaf blowers in the District are subject to fines of up to \$500 for each offense. Unlike the prior law which required noise readings, potential violations may be reported by any person who observes a gas-powered leaf blower in use in the District with appropriate evidence being provided to support the claim. If you witness a violation of this law, please submit the complaint online using the [Consumer Complaint Form](#). The complaint must include:

- The name of the company or individual alleged to have used a gas-powered leaf blower
- The location of the alleged violation
- The date and time of the alleged violation
- Any additional identifying information regarding the use of the gas-powered leaf blower

The complaint form must be submitted within seven (7) days of the alleged violation. All complaints must be signed before any enforcement action will be accepted or an investigation is initiated. Photographic and

recorded (video and audio) evidence in support of these citations may be submitted using the form, but is not required.

Investigations into use of a gas-powered leaf blower may take up to 30 business days to be completed.

The act also requires retailers of gasoline-powered leaf blowers to provide conspicuous notice that those leaf blowers may not be used in the District.

## **Gas-Powered Leaf Blower Act of 2018 Frequently Asked Questions**

**What activity does the Leaf Blower Regulation Amendment Act of 2018 prohibit?**

**When did the ban on use of gas-powered leaf blowers go into effect?**

**Does the ban apply to landscapers only?**

**Are retailers prohibited from selling gas-powered leaf blowers?**

**Does the ban on gas-powered leaf blowers apply to District agencies and vendors?**

**If I witness a business or individual using a gas-powered leaf blower, what should I do?**

**What information must I provide when submitting a complaint?**

**Will a DLCP Inspector or Investigator conduct a site visit to verify leaf blower complaints?**

**What is the penalty for using a gas-powered leaf blower in the District?**

**If I hire a landscaper who uses a gas-powered leaf blower while servicing my property, will I be fined?**

**Is financial assistance available to help me make the switch from gas-powered leaf blowers to electric?**

**What should I do with my gas-powered leaf blower after January 1, 2022?**

**Where in the District of Columbia does leaf blower ban apply?**

**Does the leaf blower ban apply to foreign embassies?**

**Does the leaf blower ban apply to power-take-off leaf blowers/leaf blowers pushed along the ground/leaf blowers pulled behind or attached to a tractor or riding mower?**

The leaf blower ban only applies to leaf blowers that are “portable.” This means the leaf blower must be carried by the user in hand, or in a backpack.

**MODEL ORDINANCE FROM CORTE MADERA, CA**

**ORDINANCE NO. 989**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA REPEALING AND REPLACING CHAPTER 9.36 OF THE MUNICIPAL CODE TO UPDATE AND CLARIFY THE REGULATION OF EXCESSIVE AND OFFENSIVE NOISE**

**WHEREAS**, Based on extensive scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems; and

**WHEREAS**, the Town has a significant challenge in protecting public health from the adverse effects of community noise arising from diverse sources such as transportation, construction, mechanical equipment, entertainment, and human behavior; and

**WHEREAS**, In recent years, the continuing increased use of leaf blowers has become an additional and significant source of disturbing noise in the Town; and

**WHEREAS**, The General Plan for the Town recognizes noise as a threat to the community's well-being and identifies policies and programs to address noise impacts related to new uses and construction activities; and

**WHEREAS**, The Town has faced ongoing challenges with implementation and enforcement of its existing noise regulations; and

**WHEREAS**, The Town Council wishes to update, modernize and clarify its existing noise ordinance to address these challenges.

**NOW THEREFORE**, the Town Council of the Town of Corte Madera does hereby ordain as follows:

**SECTION 1. Repeal of *Existin*~ Chapter 9.36 of the Municipal Code.** Corte Madera Municipal Code Title 9, Chapter 9.36 is hereby repealed.

**SECTION 2. Adoption of *New* Chapter 9.36 of the Municipal Code.** Corte Madera Municipal Code Title 9 is hereby amended by adding Chapter 9.36

thereto to read as follows:

**9.36.010 - Declaration of policy.**

It shall be the policy of the town to prohibit excessive and offensive noises from all sources. At certain levels, noises are detrimental to the health, safety and welfare of the citizenry and in the public interest should be systematically proscribed and declared a nuisance.

**9.36.020 - Definitions.**

Unless the context otherwise clearly indicates, certain words and phrases used in this chapter are defined as follows:

(a) "Ambient noise" means the all-encompassing noise associated with a given environment, being a composite of sounds from any sources, near and far. For the purpose of this code, ambient noise level is the average over five minutes excluding random or intermittent noises and the alleged offensive noise measured at the location and time of day at which a comparison with an alleged offensive noise is to be made. Averaging may be done by instrumental analysis in accordance with American National Standards S.13-1971, or may be done manually as follows:

1. (i) Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications;
  2. (ii) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of the five- minute averaging period and that there shall be at least as many additional observations as there are decibels between the lowest low indication and the highest high indication;
  3. (iii) Calculate the arithmetical average of the observed central tendency indications.
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2. (b) "Decibel" means a unit for measuring the relative loudness of sounds equal approximately to the smallest degree of difference of loudness ordinarily detectable by the human ear whose range includes approximately one hundred thirty decibels on a scale beginning with one for the faintest audible sound.
  3. (c) "Mechanical device" means any machinery or equipment; pump, fan, air-conditioning apparatus, or similar device; radio receiving set, musical instrument,

phonograph, television set, or other similar device; motorized landscape equipment, including lawn mowers, shears, leaf blowers or similar equipment; and burglar alarm or other emergency signaling device. Mechanical device does not include vehicles or motor carriers.

4. (d) "Multi-unit residence" means property containing two or more units with a shared wall including for example, rental complexes, common interest complexes, senior citizen residences, and nursing homes. This does not include single family homes with detached or attached accessory dwelling units or junior accessory dwelling units.
5. (e) "Noise level" means the sound level in decibels dBA measured on the A-weighted scale as defined by the American National Standard Institute specifications S1.41971 or the most recent revision thereof.
6. (f) "Noise level measurement." For the purpose of enforcement of the provisions of this chapter, noise level shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 sound level meters as defined in American National Standard Section 1.4-1971 or the most recent revisions thereof. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used. Prior to each measurement, the meter shall be verified, and adjusted to  $\pm 0.3$  decibel by means of an acoustical calibrator.

The location selected for measuring noise levels shall be at any appropriate point at the property plane of the property from which the noise is emitted. Where feasible, the microphone shall be at a height of three to five feet above ground level and at least four feet from walls or similar reflecting surfaces.

7. (g) "Person" means a person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private.
8. (h) "Powered construction equipment" means any tools, machinery or equipment used in connection with construction operations which can be driven by energy in any form other than manpower, including all types of motor vehicles when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.
9. (i) "Property plane" means the vertical line through the property line which determines the property boundaries in space.

G) "Residential property" means a building containing one or more "dwelling units" as the term "dwelling unit" is defined in Title 18 of this code.

(k) "Zoning districts" shall be as defined and described in Title 18 of this code.

**9.36.030 - Specific maximum noise levels for mechanical devices.**

(a) Except as provided in subsections (b)-(d) below, it is unlawful for any person to operate any mechanical device in any manner so as to create any noise which would cause the noise level at the property plane of the property from which the noise is emitted to exceed the following values:

1. (i) For noises emitted from residential zoning districts (R-1-A, R-1-B, R-1-C, R-1, R-2, R-3), a noise level more than twenty five (25) dBA above the local ambient for a cumulative period of more than ten (10) minutes in any hour, a noise level more than thirty five (35) dBA above the local ambient or a cumulative period of more than three (3) minutes in any hour, or a noise level more than forty (40) dBA above the local ambient noise level for any amount of time.
2. (ii) For noises emitted from all zoning districts other than those listed in subsection (a)(i), a noise level more than forty (40) dBA above the local ambient for a cumulative period of more than ten (10) minutes in any hour, a noise level more than fifty (50) dBA above the local ambient for a cumulative period of more than three (3) minutes in any hour, or a noise level more than fifty five (55) dBA above the local ambient noise level for any amount of time.

SEE THE FOLLOWING LINK FOR REMAINING SECTIONS OF THIS STATUTE:

<https://www.townofcortemadera.org/Archive/ViewFile/Item/3116>