

ORDINANCE NO. 4634
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
AMENDING CHAPTER 9.10 OF TITLE 9 (PEACE, MORALS,
AND SAFETY) OF THE PALO ALTO MUNICIPAL CODE
REGULATING NOISE FROM LEAF BLOWERS

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. The Council hereby finds as follows:

(a) Leaf blowers are commonly used for commercial as well as residential landscape maintenance to the extent that they are viewed as being economically essential to professional contractors, but they present a unique nuisance because of the character and volume of their noise and pollution emissions and the dust and debris they project as well as the damage they do to topsoil.

(b) Existing restrictions on leaf blower noise emission in Chapter 9.10 of the Palo Alto Municipal Code constrained all gasoline powered leaf blowers to seventy-five dBA and allowed their use only between nine a.m. and five p.m. Monday through Saturday and from ten a.m. through four p.m. on Sundays and holidays. Electric powered leafblowers are constrained as "residential power equipment" to ninety-five dBA and allowed from eight a.m. to eight p.m. Monday through Friday, from nine a.m. to six p.m. on Saturday, and from ten a.m. to six p.m. on Sundays and holidays.

(c) Increasing citizen complaints about the noise, dust, and debris emitted from leaf blowers have led to extensive staff investigations of the need and feasibility for further restricting leaf blowers. These investigations have confirmed that manufacturers are facing increasingly restrictive state air pollution regulation. Additionally, manufacturers and landscape maintenance professionals are recognizing the widespread resistance many communities now present to the use of leaf blowers because of their noise and air pollution emissions, and in response manufacturers are developing technologies which better muffle their noise and reduce their pollution emissions. Noise emission reduction to a maximum of sixty-five dBA at a distance of fifty feet, measured using standards adopted by the American National Standards Institute, is currently available in new machines, and further reductions are likely in the next few years. These advances are reflected in staff recommendations to limit all types of leaf blowers to sixty-five dBA at fifty feet using ANSI standards. Electric leaf blowers were recommended to

be constrained in both residential and non-residential zones to the hours of eight a.m. to six p.m. Monday through Friday and ten a.m. to four p.m. on Saturday, with no allowance for electric leaf blowers on Sundays or holidays. However, in recognition of the greater noise emissions typical of internal combustion powered leaf blowers, staff recommended that these be further constrained to operation in residential as well as non-residential zones between eight a.m. and five p.m. Monday through Friday but that on Saturdays they be permitted in non-residential zones only between the hours of ten a.m. and four p.m.; their operation on Sundays and holidays was banned entirely.

(d) Following extensive public hearings before the Council, and in recognition of the greater noise emissions typical of internal combustion powered leaf blowers, this Council has determined that those types of leaf blowers should be prohibited from operation in residential zones entirely. In non-residential zones, leaf blowers powered by internal combustion engines should be permitted to operate between eight a.m. and six p.m. Monday through Friday and between ten a.m. and four p.m. on Saturday, but not on Sunday or holidays.

(e) The Council adopts the staff recommendations for electric powered leaf blowers allowing their operation only if they have a manufacturer's label affixed confirming a maximum noise emission of sixty-five dBA and limiting electric leaf blowers in both residential and non-residential zones to the hours of nine a.m. to five p.m. Monday through Friday and ten a.m. to four p.m. on Saturday, with no operation by electric leaf blowers on Sundays and holidays.

(f) Council also adopts staff recommendations that leaf blowers be required to use all manufacturer-supplied mufflers and extension tubes and that all commercial landscape maintenance be subject to training and certification aimed at assuring this equipment is used with the least possible noise and dust impacts.

(g) In recognition of the intensive public use of business district streets and parking lots and in public parks during daylight hours as well as in the evenings, the Council determines that city crews and contractors should be permitted to use leaf blowers between four a.m. and eight a.m.

(h) The Council determines that these additional restrictions best balance the competing needs for using leaf blowers with the objections to their noise and dust. However, in order to provide a transition period for implementing these new restrictions, the Council has decided to make the restrictions effective on January 1, 2001. In order to provide a further transitional period for the additional prohibition against the use of leaf blowers powered by internal combustion engines within

residential zones, this Council has determined that this prohibition should become effective on July 1, 2002.

(i) The City Manager is directed to report to Council in October 2000 and April 2001 concerning the implementation of the amendments effected by this ordinance.

SECTION 2. Chapter 9.10 (Noise) of Title 9 (Public Peace, Morals, and Safety) of the Palo Alto Municipal Code is hereby amended to read as follows:

9.10.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Palo Alto require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to control the adverse effect of such noise sources on the citizen under any condition of use, especially those conditions of use which have the most severe impact upon any person.

9.10.020 Definitions.

For the purposes of this chapter, certain terms are defined as follows:

(a) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section.

(b) "Precision sound level meter" means a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, "Specification for Sound Level Meters."

(c) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a precision sound level meter. In order to measure a noise level, the controls of the precision sound level

meter should be arranged to the setting appropriate to the type of noise being measured.

(d) "Local ambient" means the lowest sound level repeating itself during a six-minute period as measured with a precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Thirty dBA for interior noise in Section 9.10.030(b); (2) Forty dBA in all other sections. If a significant portion of the local ambient is produced by one or more individual identifiable sources which would otherwise be operating continuously during the six-minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

(e) "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway or street.

(f) "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

(g) "Emergencies" mean essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(h) "Leaf blower" means any portable machine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces.

(i) "Residential power equipment" means any mechanically powered saw, sander, drill, grinder, generator, lawnmower, hedge trimmer, edger, or any other similar tool or device (other than leaf blowers).

(j) "Residential zone" means all lands located within the following zoning districts: RE, R1, R2, RMD, RM-15, RM-30, and RM-40; "residential zone" also means any lands located within Planned Community (PC) zoning districts actually used for authorized residential purposes. Any zoning district other than those defined as residential zones are classified as non-residential zones for purposes of this chapter.

(k) "Holiday" means and includes New Year's Day (January 1), Martin Luther King Day (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Columbus Day (the second Monday in October), Veteran's Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

9.10.030 Residential property noise limits.

(a) No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane.

(b) No person shall produce, suffer or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than six dB above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

9.10.040 Commercial and industrial property noise limits.

No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane.

9.10.050 Public property noise limits.

(a) No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than fifteen dB above the local ambient at a distance of twenty-five feet or more, unless otherwise provided in this chapter.

(b) Sound performances and special events not exceeding eighty dBA measured at a distance of fifty feet are exempt from this chapter when approval therefor has been obtained from the appropriate governmental entity, except as provided in Section 22.04.180 of this code.

(c) Vehicle horns or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when a situation endangering life, health or property is not imminent.

9.10.060 Special provisions.

The special exceptions listed in this section shall apply, notwithstanding the provisions of Sections 9.10.030 through 9.10.050. Said exceptions shall apply only to the extent and during the hours specified in each of the following enumerated exceptions.

(a) General Daytime Exception. Any noise source which does not produce a noise level exceeding seventy dBA at a distance of twenty-five feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.10.030(a), 9.10.040 and 9.10.050(a) between the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and eight p.m. on Saturday, except Sundays and holidays, when the exemption herein shall apply between ten a.m. and six p.m.

(b) Construction. Except for construction on residential property as described in subsection (c) of this section, construction, alteration and repair activities, which are authorized by valid city permit shall be allowed between the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and eight p.m. on Saturday, and ten a.m. and six p.m. on Sundays and holidays, if they meet at least one of the following standards:

(1) No individual piece of equipment shall produce a noise level exceeding one hundred ten dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

(2) The noise level at any point outside of the property plane of the project shall not exceed one hundred ten dBA. Posting notice of construction hours is required. The holder of a valid construction permit for a construction project within this city, which project is located within five hundred feet of any residential zone, shall post a sign at all entrances to the construction site upon commencement of

construction, for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the construction site, of the basic requirements of this chapter.

(A) Said sign(s) shall be posted at least five feet above ground level, and shall be of a white background, with black lettering, which lettering shall be a minimum of one and one-half inches in height.

(B) Said sign shall read as follows:

CONSTRUCTION HOURS

(includes any and all deliveries)

MONDAY-FRIDAY	8:00 a.m. to 8:00 p.m.
SATURDAY	9:00 a.m. to 8:00 p.m.
SUNDAY/HOLIDAYS	10:00 a.m. to 6:00 p.m.

NOISE LIMITS

1. No individual piece of equipment shall exceed 110 dBA, measured 25 feet from such equipment.

2. Noise level at any point outside of the construction property plane shall not exceed 110 dBA.

Violation of this Ordinance is a misdemeanor punishable by a maximum of six months in jail, \$1,000 fine, or both. Violators will be prosecuted. P.A.M.C. § 9.10.060(b).

(c) Construction on Residential Property. Construction, alteration, demolition or repair activities conducted on residential property, authorized by valid city permit, shall be allowed only during the hours of eight a.m. and six p.m. Monday through Friday, nine a.m. and six p.m. on Saturday, and ten a.m. and six p.m. on Sundays and holidays, if they meet the following standards:

(1) No individual piece of equipment shall produce a noise level exceeding one hundred ten dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

(2) The noise level at any point outside of the property plane of the project shall not exceed one hundred ten dBA.

(d) Other Equipment. Equipment used by city employees, city contractors, or public utility companies or their contractors, not covered by subsections (b) and (c) of this section, shall be allowed during the same hours as the exception set forth in subsection (b) of this section, providing no piece of equipment shall produce a noise level which exceeds one hundred ten dBA, measured at a distance of twenty-five feet from the equipment.

(e) Residential Power Equipment. Residential power equipment shall be allowed during the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and six p.m. Saturday, and ten a.m. and six p.m. on Sundays and holidays, providing it does not produce a noise level that exceeds ninety-five dBA measured at twenty-five feet from the equipment.

(f) Leaf Blowers.

(1) On July 1, 1989, and thereafter, only Gas-powered leaf blowers which produce a noise level of seventy-five dBA or less, shall be allowed during the following hours: nine a.m. and five p.m. Monday through Saturday and ten a.m. and four p.m. Sundays and Holidays.

(2) Between July 1, 2000 and January 1, 2001, no person shall operate an electric powered leaf blower which produces a noise level in excess of seventy-five dBA when measured from a distance of twenty-five feet, and no person shall operate an electric powered leaf blower except during the following hours: nine a.m. and five p.m. Monday through Saturday and ten a.m. and four p.m. Sundays and holidays.

(3) No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. Any leaf blower which bears such a manufacturer's label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blower without attachment

of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blowers except during the following hours: nine a.m. and five p.m. Monday through Friday, and ten a.m. and four p.m. Saturday. No person shall operate any leaf blowers on Sundays and holidays. No person shall operate any leaf blower powered by an internal combustion engine within any residential zone after July 1, 2002. No person shall operate any leaf blower powered by an internal combustion engine within non-residential zone except during the following hours: eight a.m. and six p.m. Monday through Friday, and ten a.m. to four p.m. Saturday. Commercial operators of leaf blowers are prohibited from operating any leaf blower within the city if they do not prominently display a certificate approved by the Chief of Police verifying that the operator has been trained to operate leaf blowers according to standards adopted by the Chief of Police. In addition to all authorizations and restrictions otherwise provided in this chapter, public streets, sidewalks, and parking lots in business districts and at the Municipal Golf Course and all city parks may be cleaned between 4:00 a.m. and 8:00 a.m. using leaf blowers which bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. The restrictions on leaf blowers contained in this subsection (f)(3) shall become effective on and after January 1, 2001, except that the prohibitions on the use of leaf blowers powered by internal combustion engines shall become effective on and after July 1, 2002.

(g) Street Sweeping. Street sweeping activities are allowed between the hours of ten p.m. and seven a.m. daily, provided they do not produce a noise level in excess of ninety-five dBA, or local ambient, when measured at a distance of twenty-five feet from the street sweeper.

(h) Refuse Collection. Refuse collection activities shall be permitted between the hours of four a.m. and nine p.m. daily, provided they do not produce a noise level in excess of ninety-five dBA measured at a distance of twenty-five feet from the activity.

(i) Safety Devices. Aural warning devices which are required by law to protect the health, safety and welfare of the community shall not produce a noise

level more than three dBA above the standard or minimum level stipulated by law.

(j) Emergencies. Emergencies are exempt from this chapter.

(k) Public Parking Lot Cleaning. Cleaning equipment (other than leaf blowers), when used in public parking lots, shall be allowed during the hours of ten p.m. and seven a.m., Monday through Friday, providing no such piece of equipment shall produce a noise level that exceeds seventy-five dBA measured at a distance of twenty-five feet.

(l) Business District Street Cleaning. Cleaning equipment (other than leaf blowers), when used in public streets in business districts shall be allowed during the hours of ten p.m. and seven a.m., Monday through Friday, providing no such piece of equipment shall produce a noise level that exceeds seventy-five dBA measured at a distance of twenty-five feet.

9.10.070 Exception permits.

If the applicant can show to the city manager or his designee that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this chapter would be impractical or unreasonable, a permit to allow exception from the provisions contained in all or a portion of this chapter may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to six months, but renewable upon a showing of good cause, and shall be conditioned by a schedule for compliance and details of methods therefor in appropriate cases. Any person aggrieved with the decision of the city manager or his designee may appeal to the city council pursuant to Section 16.40.080 of this code.

9.10.080 Violations.

Any person who violates Section 9.10.060(e) or 9.10.060(f) shall be guilty of an infraction. Any person who violates any of the other provisions of this chapter shall be guilty of a misdemeanor.

SECTION 3. This ordinance does not constitute a project having potential effects upon the environment and therefore does not require environmental review under the California Environmental Quality Act.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: April 24, 2000

PASSED: May 8, 2000

AYES: BEECHAM, BURCH, FAZZINO, KLEINBERG, KNISS, MOSSAR, OJAKIAN

NOES: EAKINS, LYTLE

ABSTENTIONS:

ABSENT:

ATTEST:

Donna J. Rogers
City Clerk

APPROVED AS TO FORM:

William Field
Senior Asst. City Attorney

APPROVED:

Liz Koniss
Mayor

[Signature]
City Manager

[Signature]
Police Chief

THIS DOCUMENT IS CERTIFIED TO BE AN ORDINANCE DULY PASSED BY THE COUNCIL OF THE CITY OF PALO ALTO AND THEREAFTER POSTED IN THE COUNCIL CHAMBERS ON 5-11-00 (WITHIN 15 DAYS OF ITS PASSAGE)

"I certify (or declare) under penalty of perjury that the foregoing is true and correct."

5/11/00 Palo Alto Mary Jo Buccino
Date & Place Signature