



# TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -  
SUBJECT TO  
REVISION

## ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

### AGENDA

TOWN HALL  
COUNCIL CHAMBERS - SECOND FLOOR  
360 SOUTH COUNTY ROAD

Monday, August 15, 2016  
9:30AM

- I. CALL TO ORDER AND ROLL CALL  
Bobbie Lindsay, Chair  
Danielle H. Moore, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
  - A. Old Business
    - 1. None
  - B. New Business
    - 1. Review of Chapter 18 ARCOM Application Submittal Requirements  
(*John Page, Director of Planning, Zoning & Building*)  
**9:30AM Time Certain**
    - 2. Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance  
(*Jay Boodheshwar, Deputy Town Manager*)

3. Potential Amendment of the Town Code of Ordinances for Alternative Hours of Operations for Public Beaches  
*(Benjamin Alma, Code Enforcement and Parking Manager)*

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website ([www.townofpalmbeach.com](http://www.townofpalmbeach.com)) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

# Memorandum

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee  
Danielle H. Moore, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Lieutenant; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code Enforcement Manager; Susan Owens, Town Clerk; Kathleen Dominguez, Deputy Town Clerk; John C. Randolph, Town Attorney

Date: 8/8/2016

Re: Agenda Items for the August 15, 2016, ORS Meeting

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This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on August 15, 2016, at 9:30am. Below is the list of agenda items and related exhibits, which provides background information for each matter.

## **Old Business**

1. **None**

## **New Business**

1. **Review of Chapter 18 ARCOM Application Submittal Requirements**  
*(John Page, Director of Planning, Zoning & Building)*

Mr. Page will provide information relative to the current ARCOM application submittal requirements, including concerns and proposed changes expressed by residents over the last several months. Please see Exhibit A for details regarding this item.

2. **Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance Hours and Noise**  
*(Jay Boodheshwar, Deputy Town Manager)*

Mr. Boodheshwar will present information relative to the potential amendment of the Town Code to modify rules governing landscape maintenance hours and noise, including the potential banning of certain equipment such as leaf blowers. Research completed by staff including ordinances of interest from other communities will also be reviewed. Please see Exhibit B for details regarding this item.

**3. Potential Amendment of the Town Code of Ordinances for Alternative Hours of Operations for Public Beaches**

*(Benjamin Alma, Code Enforcement and Parking Manager)*

Mr. Alma will review recommendations relative to modifying the hours of operation at public beaches, including the rationale for said recommendations. Please see Exhibit C for details regarding this item.

Attachments

# TOWN OF PALM BEACH

Information for ORS Committee Meeting on: August 15, 2016

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To: Ordinance, Rules & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Potential Changes to Code-Required ARCOM Application Procedures

Date: July 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that ORS review “Requested Changes” to ARCOM application and review procedures, consider the merits of said changes following public comment, and thereafter communicate any desired revisions to the Town Council for its review and action.

## **GENERAL INFORMATION**

Residents Julie Araskog and John Dotterer have begun to publicly advocate for careful ARCOM review of newly proposed homes at the Island’s north end, in order to prevent overly-large homes from being placed in neighborhoods populated by smaller homes. These two residents have collected data highlighting the trend toward tear-downs, followed by larger replacement homes. It is their hope that the Town will take a more proactive role in curbing this phenomenon. Simultaneously, these residents have identified several proposed changes to existing ARCOM application submission requirements designed to provide ease of access to plans, and to extend public review time prior to ARCOM meeting dates. A complete listing of requested changes from residents Araskog and Dotterer is attached hereto.

Requested submission deadline changes, which also include plan revisions, will have a direct effect upon ARCOM applicants, the professionals employed by applicants to present their plans at both ARCOM and Town Council meetings, and the time-frames for achieving final outcome. Staff sent an invitational letter to various professionals that regularly process ARCOM applications, advising of this topic and inviting their participation at ORS.

Chapter 18 of the Code of Ordinances (Buildings & Building Regulations) contains verbiage establishing the Architectural Commission, including application details and a host of other related rules. Staff will be present at the August 15 Committee meeting to assist with questions about ARCOM processing details. Several important details follow:

1. Applicants must submit applications 30 days in advance of an ARCOM meeting (45 days has been requested). This is a Code provision.
2. Applicants must submit plan revisions (when revisions become applicable) 7 days in advance of an ARCOM meeting (24 days has been requested). This is ongoing policy.

Staff has prepared attached information regarding existing and proposed application time-line submittal dates. One important consequence should be immediately noted. It is quite common for ARCOM to defer a project for one month at time of initial review in order for Commission-directed improvements to be incorporated into project plans. If indeed, revised plans must be submitted 24 days prior to each monthly meeting (as opposed to 7 days existing), the responsible architects and landscape architects would only have an approximate 1-week window to make all changes for the next monthly meeting. That squeezed timeframe may not be reasonable. The effect of 24-day revisions submittal, therefore, would often create a 2-month lapse between meetings (thereby adding time to the overall approval process). Also attached is an email to staff from the Palm Beach Chamber of Commerce identifying a related ARCOM idea (posting ARCOM renderings at subject properties).

Attachments:

- North End Resident Recommendations
- Existing and Proposed Application Filing Deadlines
- Chamber of Commerce Email
- Meeting Announcement Sent to Professionals

cc: Tom Bradford, Town Manager  
Skip Randolph, Town Attorney  
Laurel Baker, Chamber of Commerce Executive Director  
Julie Araskog, Town Resident  
John Dotterer, Town Resident

# **REQUESTED CHANGES**

1. **18-202 (1). NOTICE TO PROPERTY OWNERS WILL INCLUDE PROPOSED PLANS, AND WILL BE CHANGED FROM 30 DAYS TO 45 DAYS BEFORE THE INITIAL ARCOM PRESENTATION OF SAID PLANS.**
2. **6. SECTION 18-202 (3). PHOTOS OF ADJACENT BUILDINGS WITHIN 200 FEET MUST BE PROVIDED IN AT LEAST SIZE 4X6. (APPLICANT OFTEN SUBMITS ONLY FINGERNAIL PHOTOS.)**
3. **IF A PROPOSAL IS DEFERRED, THE APPLICANT MUST SERVE ANY NEW PLANS WITH SUBSTANTIAL REVISIONS TO ARCOM 24 DAYS BEFORE THE REVISED PLANS MAY BE REVIEWED AT AN ARCOM MEETING.**
4. **SEC. 18-206. DEMOLITION PERMITS ARE NOT ISSUED UNTIL REPLACEMENT BUILDING PLAN IS APPROVED UNLESS DEMOLITION IS REQUIRED FOR THE SAFETY OF THE TOWN OR NEIGHBORING PROPERTIES.**



# **REQUESTED CHANGES**

**5. APPLICANT TO SERVE NOTICE, PLANS, AND REVISIONS TO ALL INTERESTED PERSONS WHO REGISTER THEIR EMAIL ADDRESSES WITH THE ZONING ADMINISTRATOR FOR SUCH PURPOSE. OBJECTING NEIGHBORS MAY EMAIL COMMENTS DIRECTLY TO THE APPLICANT AND ARCOM MEMBERS. (THIS WILL REDUCE FORWARDING TIME AND EFFORT BY TOWN STAFF.)**

**6. ARCOM WILL CONSIDER ITS PRIMARY MISSION AND REQUIRED CRITERIA ( SEC. 18-146, 205) AT THE INITIAL MEETING. (THIS WILL SAVE ARCOM TIME AND EFFORT, AND REDUCE APPLICANT'S TIME AND COST.)**

**7. ARCOM AND THE TOWN COUNCIL EXERCISE THEIR RESPONSIBILITIES IN EVERY CASE, WHETHER OR NOT NEIGHBOR OBJECTIONS ARE FILED.**



# **REQUESTED CHANGES**

**8. THE TOWN ASSIGNS SOMEONE TO MONITOR  
CONSTRUCTION AND TRAFFIC ISSUES ON A DAILY BASIS.**

**ARCHITECTURAL COMMISSION****MEETING DATES AND FILING DEADLINES****2016****30 Days Prior**

<b><u>MEETING DATE</u></b>	<b><u>DEADLINE FOR MAJOR PROJECTS</u></b>	<b><u>1 Week Prior REVISIONS</u></b>
<i>Monday, NOVEMBER 16, 2015</i>	<i>OCTOBER 16, 2015</i>	<i>November 9, 2015</i>
<i>THURSDAY, DECEMBER 10, 2015</i>	<i>NOVEMBER 10, 2015</i>	<i>December 3, 2015</i>
January 27, 2016	December 28, 2015	January 20, 2016
February 24, 2016	January 25, 2016	February 17, 2016
March 23, 2016	February 24, 2016	March 16, 2016
April 27, 2016	March 28, 2016	April 20, 2016
May 25, 2016	April 25, 2016	May 18, 2016
June 22, 2016	May 23, 2016	June 15, 2016
July 27, 2016	June 27, 2016	July 20, 2016
August 24, 2016	July 25, 2016	August 17, 2016
September 28, 2016	August 29, 2016	September 21, 2016
October 26, 2016	September 26, 2016	October 19, 2016
<i>November 30, 2016*</i>	October 24, 2016	November 23, 2016
December 28, 2016	November 28, 2016	December 21, 2016
January 25, 2017	December 26, 2016	January 18, 2017

**Reminder 1:** On the ARCOM Deadline for Major Projects date, submit electronic (on disc) "Application" and "Record" along with stuffed, sealed and stamped mailing envelopes to surrounding property owners. Envelopes to be stuffed with (1 page) ARCOM application and (1 page) Notice to Surrounding Property Owners. The filing fee must be paid at this time.

**Reminder 2:** One week prior to the listed ARCOM Meeting Date, submit electronic (on disc) "Presentation" along with 14 (ledger size paper) mini-sets.

**Reminder 3:** Please always refer to the most current applications and forms as posted on the Town's website, [www.townofpalmbeach.com](http://www.townofpalmbeach.com) (Departments/Planning Zoning & Building/Applications, Information and Links) for all forms and instructions related to applications for review by the Architectural Commission.

**MEETING DATES AND FILING DEADLINES**

**2016**

**45 Days Prior**

<b><u>MEETING DATE</u></b> <b><u>October 28, 2015</u></b>	<b><u>DEADLINE FOR MAJOR PROJECTS</u></b>	<b><u>24 Days Prior REVISIONS</u></b>
<i>Monday, NOVEMBER 16, 2015</i>	<i>OCTOBER 1, 2015</i>	<i>October 23, 2015</i>
<i>THURSDAY, DECEMBER 10, 2015</i>	<i>OCTOBER 26, 2015</i>	<i>November 16, 2015</i>
January 27, 2016	December 13, 2015	December 30, 2015
February 24, 2016	January 8, 2016	January 29, 2016
March 23, 2016	February 9, 2016	February 26, 2016
April 27, 2016	March 11, 2016	April 1, 2016
May 25, 2016	April 8, 2016	April 29, 2016
June 22, 2016	May 6, 2016	May 27, 2016
July 27, 2016	June 10, 2016	July 1, 2016
August 24, 2016	July 8, 2016	July 29, 2016
September 28, 2016	August 12, 2016	September 2, 2016
October 26, 2016	September 9, 2016	September 30, 2016
November 30, 2016*	October 7, 2016	November 4, 2016
December 28, 2016	November 10, 2016	December 2, 2016
January 25, 2017	December 9, 2016	December 29, 2016

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information suggestion for ORS: review of plans

laurel@palmbeachchamber.com

to:

jpage@townofpalmbeach.com

06/27/2016 10:53 AM

Hide Details

From: "laurel@palmbeachchamber.com" <laurel@palmbeachchamber.com>

To: "jpage@townofpalmbeach.com" <jpage@townofpalmbeach.com>

History: This message has been replied to.

Dear JP,

Years ago while I was on ARCOM, I visited San Francisco and saw a plan review set-up that might work for Palm Beach. Much like a construction box, the proposed rendering and floor layout is posted on the property, allowing neighbors to see the proposal.

Another tool used was to have the rendering placed on the streetscape – the computer program at that time was only \$30 or so.

Could you share this with ORS – many thanks.

**Laurel Baker, Executive Director**

Palm Beach Chamber of Commerce

561.655.3282 office

561.655.7191 fax

561.358.5119 cell

To: Architects Doing Business in the Town of Palm Beach  
Landscape Architects Doing Business in the Town of Palm Beach  
Attorneys Doing Business in the Town of Palm Beach  
Architectural Commissioners

From: John S. Page, Planning, Zoning & Building Director

Date: July 15, 2016

Re: Upcoming Ordinance, Rules & Standards (ORS) Committee Meeting  
August 15, 2016, 9:30, Town Hall Council Chambers  
Potential ARCOM Application/Procedural Changes

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You are advised of the upcoming Town Council ORS Committee meeting identified above. One of the items for discussion pertains to potential changes to existing ARCOM procedures. You are invited to attend and participate in discussion. Let me explain further.

Resident concerns have been expressed to the Town Council about redevelopment in the Town's North End neighborhoods. In short, it is argued that a pattern of replacing modest sized homes with much larger homes (that adversely affect character) has become evident and needs to be curtailed. In addition, they have advocated for certain ARCOM procedural changes to be made. Specifically, it is anticipated that discussion will include:

1. The possibility of requiring submittal of all project documents 45 days in advance of ARCOM meetings (30 days is presently required).
2. The possibility of requiring submittal of all project revisions 24 days in advance of ARCOM meetings (7 days is presently required).
3. Advance posting of all projects on-line for review by interested citizens well in advance of ARCOM meetings.
4. Potential demolition restrictions (it has been suggested that demolition permits not be permitted until replacement building plans are also submitted).

These ideas should not be considered all-inclusive, but are provided as examples of suggestions that have been made at public meetings in the recent past.

As professionals that must abide by Town procedures, and as ARCOM members that meet once monthly to consider each and every project, it is important that your feedback be included as part of the ORS Committee discussion that will occur. Please feel free to attend and express your opinions.

Enclosure (Resident Requested Changes)

Martin D. Gruss

777 S. Flagler Drive  
West Palm Beach, FL 33401  
Tel: 561 515-6460  
Fax: 561 514-3520  
mg@gruss.com

August 3, 2016

Town Council of Palm Beach  
360 South County Road  
P.O. Box 2029  
Palm Beach, FL 33480

Dear Town Council Members,

I support the suggested changes to the ARCOM ordinance to be discussed at the ORS meeting on August 15. As to notification to neighbors, I am in favor of giving more time and more information, including plans of the proposed house.

Regards,

Martin Gruss  
ARCOM Member



TOWN OF PALM BEACH

AUG 08 2016

Town Manager's Office

Dear Town Council Members,

My name is Leta Austin Foster, and I am the owner, with my husband, Ridgely Manning Foster, of two properties in the town of Palm Beach, a mixed use building (commercial and residential) at 64 Via Mizner, and a residential structure by John Volk at 345 Pendleton Lane. I love these two buildings, and keep them in A-1 condition, just as I like to see the town kept. And unless we move in a less builder/developer pathway, the town will not be in such condition, but rather, will be turning into a semi-commercial resort.

Therefore, I am in support of the new restrictions for property ordinance changes proposed by Julie Araskog and John Dotterer which will come before you on August 15<sup>th</sup>. These are extremely important restrictions because the North End of Palm Beach is fast becoming a charmless set of "alleys" of new construction. The plethora of two story buildings taking over of lots that were the homes to often-lovely bungalows is a prime example. Just look at Indian Road—the houses all look alike. The landscaping is commercial and mundane in the extreme—the colour schemes ridiculous. Two-story buildings with applied décor of absolutely not architectural purpose and dark shutters obviously made of metal—I hate to say it, but it screams Rosemary Beach, not Palm Beach. I don't mean that for the snob value, but rather for the architectural value which has always been a part of Palm Beach. And as for construction and the traffic congestion it causes—it is never-ending. And the value of a peaceful life is definitely compromised.

I realize that the lure of big permits is always tempting to a town government, but we the taxpayers (this letter represents my sons house in Palm Beach, my own, my building, Julie's house in the North end, John Dotterer's also, and her father's house on El Vedado, a hefty amount of tax dollars) who are already here need to be considered too. Everyone needs to be able to know about variances and property ordinances being considered, since these have an impact on everyone in the town. But if that is not possible—although why not with the help of the Palm Beach Daily News?—then at the very least, there needs to be the 60 day notifications asked for by the above.

Thanking you for considering my letter, I am

Yours truly,

Leta Austin Foster  
Leta Austin Foster & Associates

3<sup>rd</sup> August, 2016

LETA AUSTIN FOSTER & ASSOCIATES, INC.  
64 VIA MIZNER • PALM BEACH, FLORIDA 33480  
(561) 655-5489 • FAX (561) 655-3027  
leta@lafinpb.com



# TOWN OF PALM BEACH

Information for Ordinances, Rules & Standards Meeting on: August 15, 2016

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To: Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Potential Change of Section 42-230 of the Town Code of Ordinances, Relative to Landscape Maintenance Hours and Noise

Date: August 9, 2016

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## **STAFF RECOMMENDATION**

Staff recommends the Ordinance, Rules and Standards (ORS) Committee of the Town Council to consider potential changes to the Town Code of Ordinances, Section 42-230, relative to landscape maintenance hours and noise, and provide direction to staff.

## **GENERAL INFORMATION**

Over the last several years, the Town has received numerous suggestions regarding further restrictions of landscape maintenance hours and/or banning of certain equipment such as leaf blowers, due to the impact landscape maintenance services has on adjacent homeowners.

The attached letter regarding “Landscape Working Hours”, dated May 12, 2016, was sent to the Mayor and Town Council from Peter S. Broberg of 220 Monterey Road. Mr. Broberg has requested that the Town consider modifying or eliminating the “Summer Landscape Working Hours”, as outlined in Ordinance No. 18-05 (attached), which includes May 1 through November 30 of each year. He feels these special summer hours and related equipment usage rules are unfair to the year-round residents. He suggests a few options for modifying the Code to address his concerns within his letter.

In addition to this communication, the Town has received numerous complaints over the years and suggestions from various residents regarding a potential ban on the use of leaf blowers for a variety of reasons, including but not limited to the noise they create and the vegetative debris they contribute to the Town’s storm water system. Many communities throughout the country have banned the use of leaf blowers, dating back to the mid-1970s. There are certainly pros and cons to such an action, so the Committee should receive feedback from residents, landscaping service professionals and Town staff for consideration prior to finalizing any recommendations to Council.

Attachments

cc: John C. Randolph, Town Attorney  
Department Directors

## COE &amp; BROBERG LLP

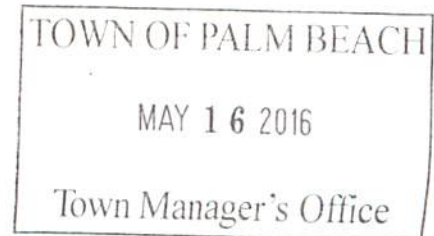
ATTORNEYS AND COUNSELORS

223 PERUVIAN AVENUE  
PALM BEACH, FLORIDA 33480

PETER S. BROBERG

TELEPHONE (561) 655-5166  
FACSIMILE (561) 655-0055CHARLES FRANCIS COE  
(1890-1956)  
GUSTAVE T. BROBERG, JR.  
(1920-2001)

May 12, 2016

Mayor and Town Council  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480Re: Landscape Working HoursDear Honorable Mayor Coniglio  
and Members of the Town Council:

I was born and raised in the Town of Palm Beach and I have lived at my present address, 220 Monterey Road, since 1985.

I am writing to you to suggest it is time to modify or eliminate the Summer Landscape Working Hours because they are not fair or equitable to the year round residents. As we age, we are not still bounding out the door at 7:00 a.m. to take kids to school and we tend to take a more relaxed approach to the morning.

But with the Summer Landscape Working Hours we can not do that. For example, Wednesday morning Scott Lewis' crews started work at the Jamison's at 216 Monterey (adjacent to the east) and the Bharti's at 225 Monterey (across the street) at 7:50 a.m.. The Summer Hours restrict leaf blowers until 9:00 a.m.; but lawn mowers and electric or gas hedge trimmers are just as loud. Not to mention the crews hollering back and forth. I heard it all in stereo as I do every Wednesday.

The easy fix is to add no lawn mowers and no power hedge trimmers with no leaf blowers until 9:00 a.m.. The better fix is to completely eliminate the Summer Hours requirements and follow the Winter Hours year round.

Thank you for your consideration.

Sincerely,

Peter S. Broberg

PSB/amm

## LANDSCAPE WORKING HOURS per ordinance#18-05

### SUMMER HOURS,

May 1 through November 30 (7 months)

- Start Work at 8:00 AM ( no leaf blowers until 9:00AM )
- Stop work at 6:00 PM ( no leaf blowers after 5:00PM )
- Work allowed Monday through Saturday
- Work not allowed on Sundays and Town observed legal holidays

### WINTER HOURS,

December 1 through April 30 (5 Months)

- Monday through Friday - Only quiet work from 8:00AM to 9:00 AM  
(no machines or loud noises allowed until 9:00 AM)
- Monday through Friday - All landscaping work may start at 9:00 AM  
(lawnmowers, gas trimmers, blowers etc.)
- Monday through Friday - Stop all landscape work at 5:00 PM  
\*\*\*\*\*
- Saturdays: Start work at 9:00 AM  
Stop work by 5:00 PM.  
Leafblowers allowed 9AM to 12:00PM only  
Landscape maintenance only. No large scale landscape  
Installation allowed
- Work not allowed Sundays & legal Holidays

**QUIET WORK: DEFINED AS WORK WHICH CANNOT BE HEARD FROM THE PUBLIC  
RIGHT-OF-WAY OR FROM A NEIGHBORING PROPERTY LINE.**

**NOTE: NOTHING IN THIS SECTION SHALL PRECLUDE THE OPERATION OF  
LAWN EQUIPMENT BY RESIDENTS ON SATURDAYS, SUNDAYS OR  
LEGAL HOLIDAYS.**

Issued 2/24/06

**ORDINANCE NO. 18-05**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH AT CHAPTER 42, ENVIRONMENT, SECTION 42-198 RELATING TO OPERATION OF CERTAIN MACHINERY DURING WINTER, SUNDAYS AND LEGAL HOLIDAYS; SECTION 42-199 RELATING TO HOURS FOR CONSTRUCTION WORK; AND SECTION 42-230 RELATING TO LAWN MAINTENANCE EQUIPMENT NOISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 42, of the Code of Ordinances of the Town of Palm Beach, relating to Environment, is hereby amended at Article V, Noise, Section 42-198, to read as follows:

**"Sec. 42-198.        Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.**

(a) *Prohibited.* During the period of the year commencing on December 1 and ending April 30, and on all Saturdays, Sundays and legal holidays throughout the year, including the Friday immediately after Thanksgiving, no person shall operate or cause to be operated the following machinery or equipment within the town:

- (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.
- (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
- (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
- (4) Dry sandblasting machines and jackhammers.
- (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the

town less agreeable than if such appliances or machinery were not operated.

(b) *Exceptions.*

- (1) It shall be within the discretion of the town council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the town, in the vicinity of the equipment's operation, to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operation during emergency conditions shall be exempt from subsection (a) of this section."

Section 2. Chapter 42, of the Code of Ordinances of the Town of Palm Beach, relating to Environment, is hereby amended at Article V, Noise, Section 42-199, to read as follows:

**"Sec. 42-199. Hours for construction work.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Major construction work* means construction work that involves more than \$10,000.00 in permit valuation and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

(b) *Limited.* During the months of December, January, February, March and April of each year, construction work or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday and legal holidays, when all major construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times (May through November) such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Sunday and legal holidays, including the Friday immediately after Thanksgiving, when all major construction work is prohibited. However, the permitted hours for construction work in the C-WA Zoning District shall be only 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October



31, except Sunday and legal holidays, when all major construction work is prohibited.

(c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a) of this section.
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for non-town related essential services may be authorized at any time during the year.
- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on December 1 and ending on April 30."

Section 3. Chapter 42, of the Code of Ordinances of the Town of Palm Beach, relating to Environment, is hereby amended at Article V, Noise, Section 42-230, to read as follows:

**"Sec. 42-230.           Lawn maintenance equipment noise.**

(a) Operation of lawn maintenance equipment shall be limited to the hours outlined for major construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays. Nothing in this section shall preclude the operation of lawn maintenance equipment on Saturdays or the Friday immediately after Thanksgiving. Additionally, nothing in this section shall preclude the operation of lawn maintenance equipment, including leaf blowers, by residents on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, lawn maintenance equipment used for golf course maintenance within the town is not restricted during the hours outlined for construction work at section 42-199; however, such equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at

locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement shall be no greater than 69 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on properties of a size of greater than three acres.

(b) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.

(c) Leaf blowers shall be prohibited from use between the hours of 5:00 p.m. and 9:00 a.m. Additionally, during the period of the year commencing December 1 and ending April 30, leaf blowers may be used on Saturdays only from 9:00 a.m. to 12:00 p.m. Because gasoline powered leaf blowers used in the Town do not presently comply with the 69 dBA requirement set forth in paragraph (a) above, said leaf blowers shall not be in violation of this section. However, as of October 1, 2006, all leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet. All persons operating leaf blowers in town shall be required to wear hearing protection. It shall be unlawful to blow yard trash or clippings into the public street."

#### Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

#### Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

#### Section 6. Codification.

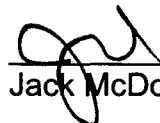
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.




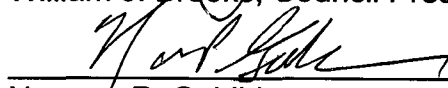
Section 7. Effective Date.

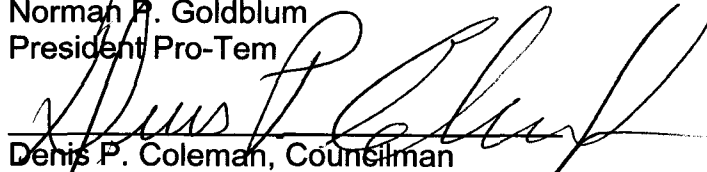
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.


PASSED AND ADOPTED in a regular, adjourned session on first reading this 13<sup>th</sup> day of December, 2005, and for a second and final reading on this 10<sup>th</sup> day of January, 2006.


  
 Jack McDonald, Mayor

  
 William J. Brooks, Council President

  
 Norman P. Goldblum  
 President Pro-Tem

  
 Denis P. Coleman, Councilman

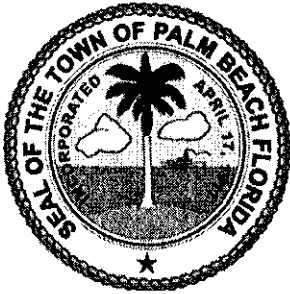
  
 Richard M. Kleid, Councilman

  
 Allen S. Wyett, Councilman

ATTEST

  
 Sue Eichhorn, Town Clerk

N:\JCR\13156 ORDINANCES\18-05 (VC Final).DOC



## TOWN OF PALM BEACH

### Code Enforcement



August 5, 2016

To: Jay Boodheshwar, Deputy Town Manager

From: Benjamin Alma, Code/Parking Manager ✓

Regarding Leaf Blower use within the Town of Palm Beach

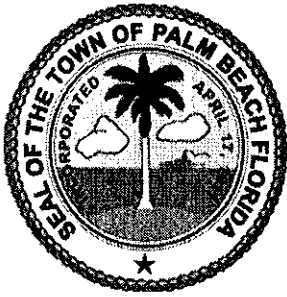
I have conducted research, attached are my findings.

In summary:

From June 01, 2014 to June 30, 2016 Code Enforcement has investigated 16 events involving leaf blowers. Two paid fines and 14-came into compliance. Most of these infractions were due to starting earlier than the hours allowed. Information was provided to the violators for future compliance.

Attached documentation:

- Coral Gables, FL has restricted the use of power tools and lawn equipment, by indicating the hours and days in which the equipment may be used. (We already have this in place).
- Beverly Hills, CA prohibits the use of gasoline-powered leaf blowers. "NOTE: A watering hose should not be used to clear leaves and debris from driveways, sidewalks, and streets."
- Boston Globe news article on leaf blowers dated March 29, 2015, discusses different types of bans on leaf blowers.
- Los Angeles, CA has banned the use of gas powered leaf blowers, since February of 1998
- Maplewood, NJ (a community of approximately 23,000 residents) has banned leaf blowers with a decibel rating of greater than 65 dB by, "commercial lawn maintenance businesses shall be prohibited between the dates of May 1st thru October 15th of each year."
- Santa Monica, CA banned use of all motorized leaf blowers since October 2010



## TOWN OF PALM BEACH

### Code Enforcement



Here in Town we have Ordinance Sec. 42-230. - Lawn maintenance equipment noise. We currently limit the decibels, and times the equipment may be used.

(a)

Operation of lawn maintenance equipment shall be limited to the hours outlined for construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays. Nothing in this section shall preclude the operation of lawn maintenance equipment on Saturdays or the Friday immediately after Thanksgiving.

Additionally, nothing in this section shall preclude the operation of lawn maintenance equipment, including leaf blowers, by residents on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined for construction work at section 42-199; however, such golf course maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.

(b)

Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.

(c)

Leaf blowers shall be prohibited from use between the hours of 5:00 p.m. and 9:00 a.m. Additionally, during the period of the year commencing December 1 and ending April 30, leaf blowers may be used on Saturdays only from 9:00 a.m. to 12:00 p.m. Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow yard trash or clippings into the public street.

Cc. Lt. N. Caristo



## Information Item

Date: May 24, 2011

To: Mayor and City Council  
From: Dean Kubani, Director – Office of Sustainability and the Environment  
Subject: Six-month Report on Implementation of the Amended Leaf Blower Ordinance

### Introduction

This information item provides a report on the implementation and enforcement of an amended ordinance banning the use of motorized leaf blowers (Santa Monica Municipal Code Chapter 4.08.270), which became effective October 28, 2010.

### Background

The City of Santa Monica first adopted restrictions on users of motorized leaf blowers in 1991, and adopted amendments to the ordinance in 1995. The original ordinance banned the use of all motorized leaf blowers and held the operator of the leaf blower as the sole responsible party. Enforcement of the ordinance required that leaf blowing activity be witnessed by a police officer before a citation could be issued. Violation of the ordinance resulted in an infraction or misdemeanor, punishable by fine and/or imprisonment.

On January 19, 2010, Council directed staff to prepare options for amendments to the existing leaf blower ordinance in order to improve its effectiveness. On September 14, 2010, Council adopted amendments to the ordinance which:

1. Hold property owners, water customers, owners and operators of gardening or landscape maintenance services, property management companies, and leaf blower operators responsible for adhering to the prohibition against the use of motorized leaf blowers;
2. Authorize the City's Office of Sustainability and the Environment (OSE) to issue administrative citations for any violation of the ordinance.

## **Discussion**

OSE staff have overseen enforcement of the amended ordinance since it took effect on October 28, 2010 and began a public education and outreach campaign regarding the leaf blower ban at that time. This report provides details on these efforts and on the effectiveness of the amended ordinance at reducing the illegal use of motorized leaf blowers for the first six months following its adoption through the end of April, 2011.

### Public Outreach and Education

Following adoption of the amended ordinance OSE published educational information on its website ([www.sustainablesm.org/leafblower](http://www.sustainablesm.org/leafblower)) that includes:

- a summary of the ordinance with a link to the municipal code
- information on alternatives to motorized leaf blowers
- information for reporting leaf blower violations
- downloadable flyers in English and Spanish that property owners can provide to their gardeners to help educate them about the ordinance
- information about the environmental, noise and health impacts of leaf blowers

During the fourth quarter of 2010 OSE staff mailed:

- leaf blower educational materials to all Santa Monica water customers as an insert to the bi-monthly water bills
- 222 informational letters regarding the amended ordinance to landscape companies with Santa Monica business licenses
- 182 informational letters to property management companies with Santa Monica business licenses

In addition to the mailings and the educational information posted on the City's website, OSE published an article about the amended ordinance in Seascapes, and issued a press release on October 26, 2010 which was used as the basis for articles in the local press. Bi-lingual flyers about the ordinance have been distributed at the City's weekly Farmers' Markets since November 2010. OSE prepared a public service announcement and a screen slide about the ordinance, which are regularly shown on CityTV and CityTV filmed two news segments on the ordinance which were shown on

its Santa Monica Update news program in October and November 2010. Signage regarding the leaf blower ordinance will be displayed on City solid waste and recycling vehicles beginning in June 2011 as part of the ongoing public information campaign.

Beginning in January 2011 information regarding the leaf blower ordinance was incorporated into OSE's Sustainable Landscape Professionals Educational Series. These classes are offered several times per month all year long for landscape contractors, designers, and maintenance workers. A special course offered on April 19, 2011 focused entirely on the ordinance and on alternatives to leaf blowers. Information regarding the leaf blower ordinance has also been included in OSE's Green Garden Academy workshops which are offered monthly to Santa Monica residents.

### Enforcement Process

To enforce the ordinance OSE staff conduct dedicated leaf blower patrols at least two days per week. These patrols typically last four to five hours and are conducted by one staff member using a City vehicle. The patrols are undertaken at various times of day, with the time and location based on previously reported leaf blower use, locations of past violations that have not demonstrated compliance, and known weekly schedules of landscape maintenance companies. In addition to regular patrols, OSE staff monitor leaf blower use throughout the city during regular enforcement and inspection visits for the urban runoff and water conservation ordinances. Staff also conduct individual site visits in response to reports of leaf blower use from community members that are received via telephone, email or the City GO reporting system.

If OSE staff observe a leaf blower in use they will inform the operator of the law, give the operator a bi-lingual (English/Spanish) flyer that explains the ordinance and potential penalties for violating it, take a photo if possible, and then send a warning letter and photo to the involved parties (which may include but is not limited to the property owner, water customer, leaf blower operator, employer of the leaf blower operator, and property management company). The letter provides information about

the ordinance, states the violation and corrective action, and directs the recipient to respond within two weeks confirming that leaf blowers are no longer being used at the property. If and when a response letter from the recipient is received within two weeks, compliance for that violation is achieved and the case is closed.

In cases where a potential violation is reported by a member of the public that includes specific information regarding the date, time and location of the violation, a warning letter is issued, typically to the property owner, along with a printed bi-lingual flyer about the ordinance for the property owner to provide to their gardener, and the compliance course described above is followed. In cases where a potential violation is reported that does not include specific information regarding the violation, an educational letter (rather than a warning letter) is sent to the involved parties along with a bi-lingual flyer. These locations are then included in future patrol schedules in order to identify in the field potential future violations.

If a repeat violation occurs at a property, OSE will issue a second warning letter. If compliance is not achieved within two weeks of the second warning letter being sent a citation will be issued. In all cases, the responsible parties are provided two warnings before a citation is issued. This is consistent with the procedure for enforcement of the City's urban runoff and water conservation ordinances, which has proven effective at achieving compliance through education. Because many of the violations are reported to OSE by members of the public, the provision of two warnings prior to issuing a citation also allows OSE staff to verify a violation in the field prior to the issuance of a citation.

### Public Reporting of Leaf Blower Activity

For the six-month period through April 30, 2011, OSE received a total of 1,133 reports of leaf blowing activity from the public. These include 774 phone calls, 269 e-mails, and 90 GO reports. These totals include repeat violation locations. Violation reports from the



public have decreased over time as leaf blowing activity has decreased (see Table 1 below).

#### Violations Identified Directly by OSE Staff

Over the same time period OSE staff observed 167 violations during regular patrols. The frequency of these violations has also decreased over time.

#### Warning Letter and Citation Summary

Based upon the violation reports from the public and direct observation of violations by OSE staff, a total of 1300 violation reports were entered into the leaf blower database through April 30, 2011. In some cases more than one report was received from the public for the same violation. A total of 1,173 individual violations of the ordinance (including first and second violations at the same address) were identified and warning letters were mailed to appropriate parties in all instances. Table 1 shows the violations identified during each of the first six months of enforcement. The number of monthly violations reached a high point of 278 during December 2010 and decreased by 60% to 112 by April 2011. The peak in December coincided with full implementation of OSE's outreach efforts.

**Table 1 – Leaf Blower Violations By Month**

Nov 2010	215
Dec 2010	278
Jan 2011	240
Feb 2011	154
Mar 2011	174
Apr 2011	112
<b>Total</b>	<b>1173</b>

Of the 1,173 total cases, 526 cases have been closed, meaning that the responsible party of a violation location contacted the City to acknowledge the problem and verify in writing that leaf blowing has ceased and will not occur in the future at the property. As of April 30, 2011 the remaining 647 cases were still open because the recipients of the warning letters have not yet responded to OSE. The majority of the open cases are past due for response and have been included in the patrol schedule in order to verify potential future violations in the field. As noted above, future violations at these locations will result in either a second warning or issuance of a citation. Attachment A plots the geographic locations of all open and closed cases. OSE staff also tracks all violations by time of day and day of the week in order to coordinate patrol schedules.

To date, no citations have been issued by the OSE office. In three cases where a third violation was observed that triggered a citation (meaning that the property had already received two warning letters), OSE staff proactively contacted responsible parties to alert them that a fine would result if they did not immediately address the present leaf blower violation. Compliance was achieved in each of these cases and citations were not issued.

### **Summary**

Since adoption of the amended leaf blower ordinance OSE has implemented a public education and outreach strategy, and is maintaining an ongoing outreach and enforcement effort. While it is not possible to determine the precise amount of leaf blowing activity prior to October 2010 or current leaf blower usage, the combination of educational outreach, increased enforcement presence and issuance of warning letters is having an impact on leaf blowing activity in Santa Monica. Since November 2010 leaf blowing activity has ceased at more than 500 properties in the City, more than 600 other locations have been identified and are in the process of coming into compliance. Initial call volumes from the public and observed incidences of leaf blowing activity by OSE

staff have dropped over time since OSE began its enforcement in October 2010, and monthly violations of the ordinance have dropped by 60% since December 2010 .

**Prepared by:** Neal Shapiro, Watershed Program Coordinator

Attachments:

A: City map showing all violation locations

# N.J. town bans leaf blowers: Noisy nuisance or needed equipment?



By Jessica Mazzola | NJ Advance Media for NJ.com

[Email the author](#) | [Follow on Twitter](#)

on May 28, 2016 at 12:40 PM, updated May 29, 2016 at 8:54 AM

**MAPLEWOOD** — Leaf blowers: inconsiderate noisemakers, or a necessary part of suburban life?

The township committee in Maplewood took a stance on the town-wide debate earlier this month when it voted unanimously to ban commercial leaf blowers in Maplewood between June 1 and August 31 of this year.

According to a Village Green report, the ban – which is meant to address resident complaints of the noise pollution created by the blowers used by professional landscaping companies – **is a pilot program** that officials plan to assess at the end of the summer. It makes more stringent a **previous township ordinance** that only banned blowers above a certain decibel rating that was too difficult to enforce, **the report** says.

Residents and lawn care professionals were seen in a **video of the May 17 committee meeting** debating the pros and cons of a leaf blower ban.

"As a homeowner and a person who has physical disabilities, I have to employ groundskeepers...if you ban the leaf blowers it's going to require more time for those people to finish the job they are doing," resident Martin Youngberg told the council in the video.

"Who's going to be paying for that time? The homeowner."

Others said the town was overstepping its authority by implementing the ban.

Jody Shilan, the executive director of the New Jersey Landscape Contractors Association, which he said represents about 550 companies, also spoke, arguing that the resolution "unfairly" targeted the industry. He suggested, instead, limiting the time of day that the blowers could be used.

"The equipment is still necessary. People want our services; they want their properties kept pristine," he said.

But, other residents welcomed the ban, saying the blowers detract from their quality of life.

Tracey Woods told the council that she **researched multiple other municipalities** across the country that have enacted similar bans.

"This is not an unprecedented practice," she said, noting that other towns have reported positive results from the ban.

Others said they were in favor because losing the blowers means losing the particles that they blow into the atmosphere.

"At first I thought the issue was mainly noise," resident William Steinbraun says in the video, before arguing that leaf blowers are a health concern, blowing "particle matter" like allergens and dust into the air.

"There's a big impact on health."

In passing the ordinance, the committee emphasized that it was a temporary ban, and the issue will be addressed again at the end of the summer.

*What do you think? Is banning leaf blowers over the summer a good idea? Vote in our poll and share your thoughts in the comments section below.*

## Is N.J. town's ban of commercial leaf blowers a good thing?

No! 69.84% (4,762 Votes)

Yes! 24.79% (1,690 Votes)

I'm not sure, but I'm interested to find out how it works. 5.37% (366 Votes)

Total Votes: 6,818

This is a non-scientific poll designed to encourage reader discussion.

Jessica Mazzola may be reached at [jmazzola@njadvancemedia.com](mailto:jmazzola@njadvancemedia.com). Follow her on Twitter @[JessMazzola](#). Find NJ.com on [Facebook](#).

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**WHEREAS**, the registration of commercial lawn maintenance businesses will provide for better compliance with noise regulations and also permit collection of leaves;

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

**FIRST:**


**I. DEFINITIONS.**

Commercial Lawn Maintenance Business - shall mean a business that performs lawn and yard maintenance where cutting of grass and removal of leaves is performed.

Leaf Blower Machine - shall mean a gas powered device used for the blowing of leaves and grass in lawn maintenance work.

Rated Decibel Level - shall mean the dB(a) rating as provided by the manufacturer of leaf blower machines.

**II. PROHIBITIONS.**

 (a) Use of leaf blowers with a decibel rating of greater than 65 dB(a) by commercial lawn maintenance businesses shall be prohibited between the dates of May 1st thru October 15th of each year;

(b) In order to control harmful emissions, only leaf blower machines that meet the latest Federal EPA "Standards for Small Spark Ignition Handheld Engines" shall be permitted.

**III. REGISTRATION OF COMMERCIAL LAWNMAINTENANCE BUSINESSES.**

1. Commercial lawn maintenance businesses shall register with the Township Public Works Department by March 1st of each year;

**TOWNSHIP OF MAPLEWOOD**

**ORDINANCE**

**# 2214 -03**

***AN ORDINANCE***

***TO REGULATE LEAF BLOWER MACHINES***

***AND TO REGISTER***

***LAWN MAINTENANCE BUSINESSES***

***WITHIN THE TOWNSHIP OF MAPLEWOOD***

***"Interpretive Statement"***

*This ordinance will regulate the use of leaf blowers by commercial landscapers within the Township, the depositing of leaves on Township streets by commercial landscapers and require that commercial landscapers register with the Township's Public Works Department.*

**WHEREAS**, excessive noise pollution is a health hazard and a nuisance to the quality of life of the residents of Maplewood Township; and

**WHEREAS**, leaf blower machines are a significant source of noise pollution; and

**WHEREAS**, there are available leaf blower machines that produce a significantly reduced decibel level of noise; and



## Gas Powered Leaf Blower Enforcement

Gas powered leaf blowers increase the presence of airborne particles, which may cause problems for persons suffering from asthma, hay fever, or other upper respiratory ailments.

Los Angeles Municipal (LAMC) Section 112.04 (c) bans the use of the gas powered leaf blower device to minimize the nuisance and health related problems attributed to this type of equipment.

### 112.04(c) LAMC

The following ordinance became effective on February 13, 1998:

"No gas powered blower shall be used within 500 feet of a residence at anytime. Both the user of such a blower as well as the individual who contracted for the services of the user if any, shall be subject to the requirements of and penalty provisions for this ordinance. Violation of the provisions of this subsection shall be punishable as an infraction in an amount not to exceed One Hundred Dollars(\$100)."

This section does not preclude anyone from using other devices such as a gas powered vacuum device or electric leaf blower.

Officers enforce Los Angeles Municipal Code Section 112.04(c) in the same manner as any other infraction.

The Los Angeles Police Department has primary enforcement responsibility for this Ordinance. Community members may also register complaints with the Street Services Investigation and Enforcement Division, Department of Public Works, at 1-800-996-CITY (Leaf blower Complaint Line).

An officer who responds to a radio call and/or otherwise observes anyone operating a gas powered leaf blower within 500 feet of a residence within the City of Los Angeles, may take the following enforcement action:

\*Inform the operator of the leaf blower that they are in violation of Section 112.04(c) LAMC.

Los Angeles - Bans Gas powered blowers within 500 feet of a residence.

Comments

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# In the war vs. loud leaf blowers, a strategic retreat



JOANNE RATHE/GLOBE STAFF

**A landscaper at work in Arlington, which has some limits on blowers.**

**By Jennifer Fenn Lefferts** | GLOBE CORRESPONDENT MARCH 29, 2015

Jean Kempthorne used to work out of her home in one of Salem's tightly packed historic districts. Then, she says, the roar of leaf blowers drove her away.

1 of 5 free articles. **Subscribe now**

Comments  
She sold her house and moved to a different part of the city, where her neighbors are more spread out and the noise isn't as deafening.

"It was insufferable," said Kempthorne, an attorney. "I couldn't even be on the phone."

Kempthorne has tried for years to raise awareness about the noise, dust, and pollution caused by gas-powered leaf blowers, but fell short of convincing city officials that they should impose restrictions on their use.

Leaf-blower opponents have had limited success in Massachusetts. Brookline and Cambridge have summertime bans, and Arlington has approved some seasonal restrictions on commercial use, but control efforts have failed in other communities. Attempts to limit the blowers in Cohasset, Framingham, Marblehead, Newton, Salem, Swampscott, and Wellesley, for example, have been shot down, though Newton is reconsidering the idea.

For now, Kempthorne is working with a Lincoln-based nonprofit group, Quiet Communities, on educating the public at large, and trying to persuade neighbors and landscapers to seek alternatives.

"People are allergic to the word 'ban,' so what I'm trying to do is switch gears from greater regulation and move toward greater awareness and public education," Kempthorne said. "It's an evolving approach."

A proposal for a seasonal ban was set to go before Lincoln voters at Town Meeting this spring, but a study group decided there wasn't enough support among residents and held off, said Jamie Banks, the

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group's chairwoman and founder of Quiet Communities. Her organization is trying to spread the word nationally about the adverse effects of gas-powered blowers, and about quiet, healthier alternatives.

Banks said leaf-blower noise at 50 feet ranges from 64 to 78 decibels. At the operator's ear, the noise is 95 to 115 decibels. According to Dangerous Decibels, a public/private partnership that aims to reduce hearing loss, typical speech is about 60 decibels, a washing machine is 75, and a chain saw is 115. Noises that reach 85 decibels and above can be harmful to hearing, the group says. Banks said leaf blowers are particularly annoying because the noise is a high-pitched, whining drone that is continually throttled up and down.

As for backing off on the attempt at a seasonal ban in her town, Banks said, "I think people thought we were jumping too quickly to regulation without trying other ways. We decided as a committee that it didn't make sense at this point to do regulation without doing an educational approach."



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PAT GREENHOUSE/GLOBE STAFF/FILE 2007

**In Newton, a committee is studying another attempt to set restrictions on leaf blowers.** Comments

Banks said the committee is trying to work with property owners and contractors in the center of town, where there is a high use of the machines among businesses and housing complexes, to make it a model for the rest of Lincoln. Banks said alternatives include electric blowers and hand tools such as rakes .

But while Lincoln residents are taking an education-based approach, Newton is revisiting the legislative route.

Newton Ward 2 Alderwoman Emily Norton said a committee is planning to put forward a proposal to the Board of Aldermen that would either ban or restrict leaf blowers, and a public hearing could be held within a couple of weeks.

Norton said it's an idea that has been tossed around for several years, but she feels the situation may be better now.

"This board just passed a plastic bag ban, so it gives some indication that there are some members very passionate about environmental and health issues," she said.

Norton said more education is needed so residents can make informed decisions about landscapers, but she supports the idea of some restrictions.

“

*'With a blower, you can put it on for one minute . . . If you did the same job with a broom, you'd be there 45 minutes.'* - Rob Carr, Landscape company owner

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The proposal will generate opposition, predicts resident Karen Bray, who said she was pleasantly surprised that Norton and other board members appear receptive to some restrictions. Bray works at home and said her days are constantly disrupted by the noise.

“There is a lot of push back on a ban in Newton, particularly from the landscapers,” Bray said.

Rob Carr, owner of Superior Landscape in Marblehead, said the gas-powered blowers save time for his crews, and so save money for homeowners paying for the work. He said after lawns are mowed, an adjacent porch, driveway, patio, or walkway might need to be cleared.

“There is always something that needs to be cleaned off,” he said. “With a blower, you can put it on for one minute at a quarter throttle and blow those hard surfaces off. If you did the same job with a broom, you’d be there 45 minutes.”

Carr acknowledged that blowers are loud, but said there are ways to mitigate the noise without a ban. He said he trains his employees to turn the devices off when they aren’t in use, not use them at full throttle for small jobs, and be mindful of neighbors.

“This is one of many things that does have a decibel level, but it can be used in such a way to limit it,” Carr said. “Something I have done is continuously talked to my employees about . . . the appropriate use of the blower.”

Three years ago, Arlington limited the number of blowers that can be used at one time on a property, and banned the use of leaf blowers during the summer, but the restrictions have since been eased. Now, there are some limits on commercial use from mid-June to mid-September.

Arlington landscaper Joe Cusce said his company has adapted.

"It hasn't impacted us too much," he said. "Restrictions are fine as long as they are thought through and discussed by everyone who uses them."

Cusce said his machines get so much use they need to be replaced each year, which means he always has the most up-to-date equipment.

"They are being upgraded with less decibels and less emissions," he said. "Every year they are getting quieter and cleaner. One of the things we've tried to make clear is we like things to be green. The last thing we want to do is be a detriment."

*Jennifer Fenn Lefferts can be reached at [jflefferts@yahoo.com](mailto:jflefferts@yahoo.com).*

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## Sec. 34-124. - Enumerated prohibited acts.

The following acts, among others, are declared to be loud, excessive, unnecessary or unusual noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound or a siren, whistle or bell; and the sounding of any such device for any unnecessary and unreasonable period of time.
- (2) *Amplified sound.* The making of amplified sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber, or outdoor private property in which such machine or device is operated and who are voluntary listeners thereto. The making of any such sounds:
  - a. Between the hours of 11:00 p.m. and 7:00 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday; or
  - b. Between the hours of 12:00 midnight and 7:00 a.m. the following day on Friday and Saturday;

In such manner as to be plainly audible at a distance of 100 feet from the source of the noise, or if the noise is emanating from a building, structure or vehicle from any exterior edge of that building, structure or vehicle shall be prima facie evidence of a violation of this section. Provided, however, that the making of amplified sound in connection with a special event or parade shall be governed by the applicable noise provisions in chapter 62 of the City Code.
- (3) *Animals.* The owning, keeping, possessing or maintaining of any domesticated animal which vocalizes (howls, yelps, barks, squawks, or generates any other noise) where the vocalizing is plainly audible at or within the property line of the sound-affected site or unit, and where:
  - a. Such vocalizing continues for more than five minutes without interruption, which is defined as an average of ten or more vocalizations per minute; or
  - b. Such vocalizing is repeated an average of five times or more per minute for 20 or more consecutive minutes.

This subsection shall not apply if the domesticated animal is unreasonably provoked.
- (4) *Exhausts.* The discharge into the open air of the exhaust of a steam engine, stationary internal combustion engine, flushing of boat motors, or motor vehicle that creates unreasonably loud or explosive noises.
- (5) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or other motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.
- (6) *Mufflers.* Every motor vehicle, motorcycle and motor-driven cycle muffler that creates unreasonably, excessive or unusual noise.
- (7) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
- (8) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
- (9) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in the city for any purpose of any device known as a sound truck, loudspeaker or sound amplifier or any other instrument of any kind or character which emits loud and raucous noises.
- (10) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn-edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors:
  - a. Between the hours of 11:00 p.m. and 7:30 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday;
  - b. Between the hours of midnight and 9:00 a.m. the following day on Friday and Saturday.
- (11) *Commercial maintenance equipment.* The use of commercial maintenance equipment which creates a loud, excessive, unnecessary or unusual noise in connection with the operation of said equipment within 100 feet of any residential area:
  - a. Between the hours of 6:00 p.m. and 7:30 a.m. the following day on Monday, Tuesday, Wednesday, and Thursday;
  - b. Between the hours of 6:00 p.m. on Friday and 9:00 a.m. on Saturday;
  - c. Between the hours of 5:00 p.m. on Saturday and 7:30 a.m. Monday;
  - d. On holidays, as established by section 1-2 of the City Code.

Commercial maintenance equipment includes, by way of example, noise-producing lawn mowers, lawn-edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools, where that noise is generated by a third party commercial maintenance company, rather than by the lawful owner or tenant of the premises.
- (12) *Construction noise.* Any site preparation, assembly, erection, substantial repair, alteration, delivery of materials, demolition or similar action, which disturbs the peace and quiet of the neighborhood, on public or private property, rights-of-way, structures, utilities or similar property:
  - a. Between the hours of 6:00 p.m. and 7:30 a.m. the following day on Monday, Tuesday, Wednesday, and Thursday;
  - b. Between the hours of 6:00 p.m. on Friday and 9:00 a.m. on Saturday;
  - c. Between the hours of 5:00 p.m. on Saturday and 7:30 a.m. Monday;
  - d. On holidays, as established by section 1-2 of the City Code, unless waived by the city manager or designee.
- (13) *Steady, mechanical noise.* The use of an air conditioner, electric motor, pool pump, exhaust fan, filter, or similar noise-producing mechanical equipment which creates a noise that exceeds the following sounds levels:



TABLE 1: Maximum Permitted Sound Levels in Decibels (dBA)

Receiving Zoning District	Between the hours of 11:00 p.m. and 7:30 a.m. the following day on Sunday, Monday, Tuesday, Wednesday and Thursday; and between the hours of midnight and 9:00 a.m. the following day on Friday and Saturday.	All other times.
Single-family Residential District	5 dBA above ambient sound level or maximum of 55 dBA	10 dBA above ambient sound level or maximum of 60 dBA
Multi-family 1 Duplex	5 dBA above ambient sound	10 dBA above ambient sound
District, Multi-family 2 District, and Multi-family Special Area District	level or maximum of 60 dBA	level or maximum of 65 dBA
All Other Districts	5 dBA above ambient sound level or maximum of 65 dBA	10 dBA above ambient sound level or maximum of 65 dBA

The sound levels in Table 1 above shall be measured from the real property line of the sound affected site or unit, and the zoning district where the sound-affected site or unit is located shall apply. The sounds levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute. This subsection (13) shall not apply to noise generated pursuant to a valid construction permit.

(14) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.

(Ord. No. 2016-18, § 2, 3-15-2016)



BEVERLY HILLS

**Gasoline-Powered Leaf Blowers****DID YOU KNOW THAT...**

the use of gasoline-powered leaf blowers is prohibited by Beverly Hills Municipal Code (Section 5-1-209) in an effort to minimize air and noise pollution and that Beverly Hills property owners are responsible for ensuring that gardeners do not violate the City Code?



This equipment is considered an environmental nuisance because:

- Gasoline emissions are unhealthy for everyone, particularly the equipment operator, children, seniors, pets, and wildlife.
- The noise disrupts the peace and tranquility of the neighborhood.
- Dust and debris are not removed but merely displaced.
- They increase air pollution by stirring up mold, allergens and dust particles.

---

**What the gardener can do:**

- Rake or sweep leaves and debris into piles and dispose in the appropriate green trash bin.  
Click here for more information on Greenwaste.
- Use an electric leaf blower or electric leaf vacuum.

**What the property owner can do:**

- Notify the gardener of the prohibition against gas leaf blowers; if you fail to notify the gardener he may be cited if he continues to use the prohibited equipment.
- Install an approved exterior electrical outlet to facilitate the use of electrical equipment such as an electric leaf vacuum.

Monitor the gardener's activity on a regular basis to ensure gasoline-powered equipment is not being used.

NOTE: A watering hose should not be used to clear leaves and debris from driveways, sidewalks, and streets. Please go to our Water Conservation pages for more information.

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Code violations may be reported by submitting the necessary information on the online system at Ask Bev.

Please choose the "Code Violations" category and be prepared to provide the address, date, and time you witnessed the violation as well as the vehicle license number of the gardener.



# EXHIBIT B

## PALM BEACH POLICE DEPARTMENT CODE & PARKING ENFORCEMENT UNIT

As of March 1, 2007 the responsibility for code enforcement in the Town of Palm Beach was transferred to the Police Department.

One of the priorities for the Code Enforcement Unit is to gain voluntary compliance from the landscape industry.

Landscapers who are unwilling or unable to comply with the ordinances, rules, and regulations will be subject to increased enforcement by police officers, code enforcement officers and parking enforcement officers.

Some of the most frequent violations are summarized in this flyer. Please adhere to these ordinances, rules and regulations.

### TOWN HOLIDAYS

- New Year's day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

## TOWN OF PALM BEACH WEEKLY YARD TRASH COLLECTION SCHEDULE

DAY	SECTION OF TOWN
Monday	No collection
Tuesday	Inlet Drive to Bahama Lane
Wednesday	Country Club Road to Royal Poinciana Way
Thursday	Whitehall Way to Via Marina
Friday	Island Rd. to south Town limits



## PALM BEACH POLICE DEPARTMENT CODE & PARKING ENFORCEMENT UNIT

Code and Parking Enforcement Unit  
345 S. County Road  
Palm Beach, FL 33480  
(561) 838-5454

## PALM BEACH POLICE DEPARTMENT CODE & PARKING ENFORCEMENT UNIT



## SUMMARY OF HOURS AND PARKING REGULATIONS FOR LANDSCAPE COMPANY PERSONNEL

Non-Emergency  
561-838-5454  
Emergency call 9-1-1



Beyond vacuuming and mulching capabilities, there are features you can look for to help you select the best leaf blower for your work.

- 2-cycle engines offer a good balance of power and weight, but run on a blend of oil and gasoline. You need to mix the fuel yourself or purchase it pre-mixed.
- 4-cycle engines run on gasoline alone. They eliminate the need for mixing fuel, but are heavier than comparable 2 cycle-engines and require regular oil changes.
- Ratings for amps (A) on a corded blower, volts (V) on a cordless blower and cubic centimeters (cc) on a gasoline-powered blower all indicate power output.
- Simplified choke operation makes startup easier on a gasoline-powered blower.
- Miles-per-hour (MPH) ratings measure the speed that air exits the unit and are another indication of the blower's power.
- Cubic-feet-per-minute (CFM) ratings measure the volume of air the blower moves. Blowers with higher CFM ratings can move more debris.
- Larger-diameter chutes or tubes included with some vacuum-capable models help collect leaves.
- Reduction ratios — such as 10:1 or 16:1 — represent the number of bags of leaves a blower with mulching capabilities can reduce to one bag.
- Speed settings allow you to control the airflow and movement of debris. Blowers may have fixed settings or variable-speed controls. Some let you set and lock a speed.
- Vibration reduction features improve comfort.

**BR 500**

**Professional Blowers**

DSRP: \$479.95

**Distributor Suggested Retail Price**

All pricing on this site is Distributor Suggested Retail Price. This site strives to maintain accurate and current suggested retail pricing. However, dealers' actual prices may vary or change. Please confirm pricing with your dealer.



Who would have thought a backpack blower as powerful as the professional BR 500 would also be quiet? With a proven low emissions engine, this gas leaf blower has all the features you need to work all day, everyday. Designed with a simplified starting procedure for single-handed operation, it has the quality you'd expect from a STIHL backpack leaf blower: a comfortable weight, reduced vibration levels and a low starting force.

**Specifications**

DISPLACEMENT	64.8 cc (3.95 cu. in.)
ENGINE POWER	2.0 kW (2.7 bhp)
WEIGHT	10.1 kg (22.3 lbs.)
FUEL CAPACITY	1400 cc (47.3 oz.)
BLOWING FORCE*	22 Newtons
AVG. AIR VELOCITY*	77 m/sec. (173 mph)
MAX. AIR VELOCITY*	93 m/sec. (207 mph)
AIR VOLUME AT NOZZLE*	925 m³/h (544 cfm)
SOUND PRESSURE RATING*	65 dB(A)
POWER SOURCE	Gas

\*Tested in accordance with ANSI 175.2 standard. Newton is the force needed to accelerate 1 kg of mass at the rate of 1 m/sec².

**Important Information**

Note: STIHL engine products with the Caring for Nature logo are cleaner than EPA Standards for exhaust emissions.

Note: STIHL recommends use of fuel with no more than 10% Ethanol content. Using fuel with greater than 10% Ethanol content may cause damage to your equipment and

## BR 600 MAGNUM®

## Professional Blowers

DSRP: \$499.95

## Distributor Suggested Retail Price

All pricing on this site is Distributor Suggested Retail Price. This site strives to maintain accurate and current suggested retail pricing. However, dealers' actual prices may vary or change. Please confirm pricing with your dealer.



The MAGNUM® professional backpack blower offers the standard STIHL proven fuel efficiency — up to 28% greater as compared to competitive models tested, and impressive power-to-weight ratio, and also features an improved low-emission engine for increased durability; a new nozzle with an extended wear area, and a newly designed nylon harness with high wear resistance.

## Standard Features

### ■ Common Features for Backpack Blowers

View the features common to many STIHL backpack blowers.

## Specifications

DISPLACEMENT	64.8 cc (3.95 cu. in.)
ENGINE POWER	2.8 kW (3.8 bhp)
WEIGHT	9.8 kg (21.6 lbs.)
FUEL CAPACITY	1400 cc (47.3 oz.)
BLOWING FORCE*	32 Newtons
AVG. AIR VELOCITY*	89 m/sec. (199 mph)
MAX. AIR VELOCITY*	106 m/sec. (238 mph)
AIR VOLUME AT NOZZLE*	1150 m³/h (677 cfm)
SOUND PRESSURE RATING*	75 dB(A)
POWER SOURCE	Gas

\*Tested in accordance with ANSI 175.2 standard. Newton is the force needed to accelerate 1 kg of mass at the rate of 1 m/sec².

## Important Information

Note: STIHL engine products with the Caring for Nature logo are cleaner than EPA Standards for exhaust emissions.

Note: STIHL recommends use of fuel with no more than 10% Ethanol content. Using fuel with greater than 10% Ethanol content may cause damage to your equipment and

cat II or I normally meets town code

## EXHIBIT B

Call Time	Event ID	Rpt #	Street	Nature	Additi
06/13/2014 08	2014164033	14000875	MEDITERRANEAN RD/N LAK	TOWN ORDINANCE	
06/17/2014 08	2014168043		200-BLK CHILEAN AVE	TOWN ORDINANCE	
07/16/2014 08	2014197051		550 S OCEAN BLVD	TOWN ORDINANCE	
08/16/2014 13	2014228099		1178 N LAKE WAY	TOWN ORDINANCE	
09/20/2014 10	2014263064		209 MOCKINGBIRD TRL	TOWN ORDINANCE	
<del>09/30/2014 12</del>	<del>2014273069</del>		<del>2 FOUR ARTS PLZ</del>	<del>POLICE SERVICE</del>	
11/05/2014 10	2014309040		220 BRAZILIAN AVE	TOWN ORDINANCE	
01/05/2015 11	2015005070		100-BLK WORTH AVE	TOWN ORDINANCE	
01/13/2015 12	2015013071		417 ANTIGUA LN	TOWN ORDINANCE	
01/17/2015 11	2015017052		7 LAGOMAR RD	TOWN ORDINANCE	
02/04/2015 11	2015035044		136 REEF RD	TOWN ORDINANCE	
02/14/2015 14	2015045085		200-BLK SEAVIEW AVE	TOWN ORDINANCE	
02/17/2015 09	2015048052		100 WORTH AVE	TOWN ORDINANCE	
02/26/2015 07	2015057045		8 S LAKE TRL	TOWN ORDINANCE	
02/28/2015 08	2015059028		235 S COUNTY RD	TOWN ORDINANCE	
03/02/2015 10	2015061055		100 WORTH AVE	TOWN ORDINANCE	
03/05/2015 14	2015064091		241 BANYAN RD	TOWN ORDINANCE	
03/20/2015 08	2015079040		210 OCEAN TER	TOWN ORDINANCE	
03/21/2015 12	2015080074		222 MIRAFLORES DR	TOWN ORDINANCE	
03/28/2015 09	2015087056		134 CASA BENDITA	TOWN ORDINANCE	
03/31/2015 08	2015090033		100-BLK WELLS RD	TOWN ORDINANCE	
04/04/2015 15	2015094131		233 OLEANDER AVE	TOWN ORDINANCE	
04/10/2015 17	2015100129		297 TRADEWIND DR	TOWN ORDINANCE	
04/22/2015 10	2015112053		136 CHILEAN AVE	TOWN ORDINANCE	
05/20/2015 09	2015140054		44 COCOANUT ROW	TOWN ORDINANCE	
06/24/2015 11	2015175052		167 SEABREEZE AVE	TOWN ORDINANCE	
<del>07/07/2015 09</del>	<del>2015188034</del>	<del>15061145</del>	<del>334 N WOODS RD</del>	<del>THEFT DELAYED</del>	
09/09/2015 12	2015252053		304 S COUNTY RD	TOWN ORDINANCE	
09/16/2015 07	2015259016		200-BLK ROYAL POINCIAN	TOWN ORDINANCE	
10/19/2015 08	2015292033		400-BLK WORTH AVE	TOWN ORDINANCE	
11/11/2015 10	2015315061		200-BLK MERRAIN RD	TOWN ORDINANCE	
01/18/2016 11	2016018051		200-BLK PERUVIAN AVE	TOWN ORDINANCE	
01/30/2016 14	2016030106		255 S COUNTY RD	TOWN ORDINANCE	

**Fw: Grass clippings**

**Paul Brazil** to: Jay Boodheshwar  
Cc: Patricia Strayer, Eric Brown

08/03/2016 10:45 AM

History: This message has been replied to.

This may go with the blower issue at ORS.

H. Paul Brazil, P.E.  
Director of Public Works  
Town of Palm Beach

----- Forwarded by Paul Brazil/PalmBeach on 08/03/2016 10:45 AM -----

From: Patricia Strayer/PalmBeach  
To: Chester Purves/PalmBeach@PalmBeach, Eric Brown/PalmBeach@PalmBeach, Paul Brazil/PalmBeach@PalmBeach  
Date: 08/03/2016 09:41 AM  
Subject: Fw: Grass clippings

All,  
This morning David Moore spoke with me about the drainage along the DOT right of way getting clogged with grass. He would like a new ordinance requiring grass clippings to be bagged.

**Patricia**

**Patricia Strayer, PE**  
**Senior Project Engineer**  
**Town of Palm Beach**  
**Public Works Department**  
**pstrayer@townofpalmbeach.com**  
**Direct - 561.227.7056**  
**Cell - 561.339.7309**

----- Forwarded by Patricia Strayer/PalmBeach on 08/03/2016 09:39 AM -----

From: "Moore, David" <David.Moore@broadpectrum.com>  
To: "pstrayer@townofpalmbeach.com" <pstrayer@townofpalmbeach.com>  
Cc: "McIntosh, Michael" <Michael.McIntosh@broadpectrum.com>  
Date: 08/03/2016 09:32 AM  
Subject: Grass clippings

Please propose that all loose grass clippings be bagged to prevent them from blocking the storm drain system.  
Photo attached is in the 700 block of South County Rd.  
Thank you,  
David

"This email and any attachments are confidential and are for the intended addressee[s] only. Unauthorised use of this communication is prohibited. If you have received this communication in error, please notify the sender and remove them from your system. Confidentiality is not waived or lost by reason



of the mistaken delivery to you. Before opening or using any attachments, it is your responsibility to check them for viruses and defects." Thank You.

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"This email and any attachments are confidential and are for the intended addressee[s] only. Unauthorised use of this communication is prohibited. If you have received this communication in error, please notify the sender and remove them from your system. Confidentiality is not waived or lost by reason of the mistaken delivery to you. Before opening or using any attachments, it is your responsibility to check them for viruses and defects."



Thank You. IMG\_1476.JPG ATT00001.txt

## EXHIBIT B



## OTHER CITIES

*Click below for information on:*

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[\*\*Blower Bans Are Working in California Cities\*\*](#)

(a brief overview)

[\*\*California Cities With Leaf Blower Bans\*\*](#)

(a list of cities and quotes from their ordinances)

[\*\*California Citizen's Groups Supporting Leaf Blower Bans\*\*](#)

(a list of groups in the community)

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### Blower Bans Are Working in California Cities

Approximately 20 California cities have banned leaf blowers. Citizens for a Quieter Sacramento's volunteers interviewed 14 of these cities in October, 1997, with a combined population of more than 350,000, to learn more about how their bans are working. We excluded Los Angeles and Santa Barbara because their bans are so recently implemented. The cities we contacted were **Belvedere** (population 2,500), **Berkeley** (105,000), **Beverly Hills** (32,000), **Carmel** (4,200), **Claremont** (50,000), **Del Mar** (5,000), **Indian Wells** (3,300), **Laguna Beach** (24,000), **Lawndale** (29,000), **Los Altos** (28,000), **Malibu** (12,000), **Mill Valley** (13,000), **Piedmont** (10,000), and **Santa Monica** (90,000). We have verified that bans exist in **Hermosa Beach** (18,600) and **West Hollywood** (36,700). Organized efforts to ban blowers are also under way in **Palo Alto**, **Portola Valley**, and **Sunnyvale**.

Our contacts included city officials from departments such as police, planning, public works, environmental health, and parks and recreation. Below is a brief summary of our discussions. We can provide more detailed information on request.

**Are leaf blower bans enforceable?** A typical response was that the bans are 90-95 percent effective. In most cities, enforcement is performed in response to citizen complaints (i.e., police do not seek out violators in the absence of complaints). There continue to be some offenders as new people, unaware of the blower ban, enter the yard care industry or come in from neighboring towns. However, cities report that the number of complaints diminishes over time.

## EXHIBIT B

**Is enforcement a major burden for the responsible agency?** The vast majority of cities reported that enforcement was not a large burden.

**Were gardeners driven out of business or did they raise their rates?** There were no reports of gardeners going out of business or raising their rates, though not all respondents could answer that question. Responses included "There are still plenty of gardeners working in Berkeley" and "Gardeners are alive and well in Los Altos...there have been no complaints from the public [about higher rates]."

**Are citizens satisfied?** When we asked if citizens were satisfied and if the cities considered their programs successful, the response was 100 percent positive.

[Top](#)

## California Cities With Leaf Blower Bans

Caution: This information is taken from city ordinances, but may not always be complete or current. Please let us know of any needed changes.

Belvedere (1987)	<i>It shall be unlawful for any person within the city limits to operate any portable machine powered with a gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces.</i>
Berkeley (1991)	<i>...it shall be unlawful for any person, including any city employee, to operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces within the City limits.</i>
Beverly Hills (1976)	<i>It shall be unlawful for any person within the City to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces.</i>
Carmel (1975)	<i>The operation of a combustion engine blower for the purpose of displacing, removing or blowing any materials from or about public or private property in a manner which allows the engine to be heard on public property and causes the materials to be blown into the air in a manner which allows them to settle on public property or on private property not belonging to the same owner on which the blower is being operated is declared to be a public nuisance and unlawful.</i>
Claremont (1991)	<i>...Whereas, the city council finds the operation of gasoline powered leaf blower use results in dust, engine emissions, and noise pollution...Whereas, the city council finds that gasoline powered leaf blowers exceed the noise standards as set forth in Chapter 5 of the Land Use and Development Code...Whereas, the Air Quality</i>

## EXHIBIT B

	<i>Management District (AQMD) in its twenty year Clean Air Plan recommends a ban on gasoline powered blowers...Now, therefore, the city council does ordain...Internal combustion engine (gasoline) powered leaf blowers shall be prohibited in the city after March 1, 1991...Use of any type of leaf blower on any city owned or maintained property is prohibited...</i>
Del Mar (total ban)	<i>It shall be unlawful for any person to use or operate within the City, any portable machine, powered with a gasoline engine or electric motor, to blow leaves, dirt and other debris off sidewalks, driveways, lawns, and other surfaces.</i>
Hermosa Beach (total ban)	<i>It is unlawful to use within the city limits or cause to be used electrical or gasoline powered backpack/leafblowers, such as commonly used by gardeners, landscapers and other persons.</i>
Indian Wells (1990)	<i>Leaf blowers shall be prohibited in all zones within the City except : (i) individual property occupants may operate a single electrically powered leaf blower with use confined to his/her property; (ii) golf course operators may operate gasoline powered leaf blowers during the months of September 15th through December 1st of each year.</i>
Lawndale (1997)	(not yet obtained)
Laguna Beach (total ban - 1993)	<i>The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters, and other property is prohibited at any time within the city limits.</i>
Los Altos (1991)	<i>...it shall be unlawful for any person within the City to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, landscape areas or other surface.</i>
Los Angeles (1998)	(to be provided later)
Malibu	<i>...the following acts and the causing or permitting thereof, are declared to be in violation of this Chapter:...Leaf Blowers. The use or operation of any portable machine powered with a combustion or gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces.</i>
Menlo Park (1998)	<i>To be provided</i>
Mill Valley (1993)	<i>It shall be unlawful for any person to operate a gas-powered device to blow leaves, dirt or other debris off sidewalks, driveways, lawns or other surfaces within any area of the City.</i>
Piedmont (1990)	<i>It shall be unlawful for any person to operate a gasoline-powered device used to blow leaves, dirt or other debris off sidewalks,</i>

**EXHIBIT B**

	<i>driveways, lawns or other surfaces within any area of the City except that gasoline-powered leaf blowers may be used by public agencies on publicly-owned or operated facilities.</i>
Santa Barbara (1997)	<i>It shall be unlawful for any person within the City to use or operate any portable machine powered with a gasoline engine, or gasoline powered generator, to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces.</i>
Santa Monica (total ban)	<i>No person shall operate any motorized leafblower within the City.</i>
West Hollywood (1986)	<i>The purpose of this Ordinance is to prohibit the use and operation of gasoline powered leaf blowers in the City of West Hollywood. These devices, used to blow leaves, dirt and debris, create an excessive and unusual amount of noise, often operating at up to ninety decibels. The sustained operation of leaf blowers at this decibel level is literally deafening to persons who reside and work within earshot of the many gardeners and property owners who utilize the devices. The sound is extremely annoying and distracting and not only causes disturbance of those in the vicinity of users of leaf blowers but has the potential to cause hearing damage. In addition, leaf blowers tend to blow dirt, dust and other particulate matter in the air, thereby reducing the air quality in West Hollywood, aggravating persons with allergies and asthmatic conditions and depositing such debris on other public and private property. There are many alternate methods of disposing of leaves available to gardeners and property owners, including electric blowers, rakes, brooms, vacuums and water. The use of gasoline powered blowers is hereby declared to constitute a public nuisance by virtue of the detrimental effect such blowers have on the community and residents of West Hollywood.</i>

**California Citizens' Groups Supporting Blower Bans**

(alphabetical by city)

Laguna Beach - Laguna North Neighborhood Association  
P.O. Box 292  
Laguna Beach, CA 92652  
e-mail: [jhegly@aol.com](mailto:jhegly@aol.com)

Long Beach - Residents for Less Pollution  
Los Altos - Blowers Annoy Neighbors (BAN)  
Contact Myra Orta at [e-mail meemaa@aol.com](mailto:meemaa@aol.com)

ZAP - Zero Air Pollution (Los Angeles Chapter)  
P.O. Box 3441  
Santa Monica, CA 90408  
(310)364-3980  
[zeroairpollution@aol.com](mailto:zeroairpollution@aol.com)

## EXHIBIT B

ZAP - Zero Air Pollution (Manhattan Beach Chapter)  
[web site: http://www.nonoise.org/quietnet/zap/index.htm](http://www.nonoise.org/quietnet/zap/index.htm)

Menlo Park - Citizens Against Leafblowers in Menlo (CALM)

Mountain View - Blowers Out Of Town (BOOT)

Palo Alto - Magic  
 P.O. Box 5894  
 Stanford, CA 94309  
 (650)323-7333  
[e-mail: magic@ecomagic.org](mailto:magic@ecomagic.org)

Piedmont - Peace In Our Town

Santa Barbara - Ban Leafblowers And Save our Town (BLAST)  
 P.O. Box 55  
 Santa Barbara, CA 93102  
[web site: http://www.nonoise.org/resource/activist/blast/blast.htm](http://www.nonoise.org/resource/activist/blast/blast.htm)

Walnut Creek - Walnut Creek Citizens Against Gas-Powered Leaf Blowers  
 web site: <http://www.radiocamp.com/leaf/>  
[e-mail: leaf@radiocamp.com](mailto:leaf@radiocamp.com)

Note: This list will be updated as information is available. If no contact is listed, you can [e-mail jvkelts@ns.net](mailto:jvkelts@ns.net) and ask to have a message forwarded to a particular group.

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*Citizens for a Quieter Sacramento:*

<a href="#">CQS Homepage</a>	<a href="#">CQS Positions</a>	<a href="#">Current Events in Sacramento</a>
<a href="#">Leaf Blower Facts</a>	<a href="#">Action Steps &amp; Networking</a>	<a href="#">Politics &amp; Philosophy</a>

# TOWN OF PALM BEACH

Information for ORS Committee Meeting on: August 15, 2016

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To: Ordinances, Rules and Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Benjamin Alma, Code Enforcement Manager

Re: Request the Ordinance, Rules and Standards Committee to review a change public beach closure hours from the current 8: 00 a.m. to 8:00 p.m. to read, Sunset to Sunrise.

Date: August 5, 2016

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## **STAFF RECOMMENDATION**

Staff recommends the Ordinance, Rules and Standards (ORS) Committee of the Town Council to recommend the Town Council change public beach hours from the current 8AM to 8PM to read, Sunset to Sunrise.

## **GENERAL INFORMATION**

Recently, the police department requested to have gates installed at the access points at Mid-Town Beach due to ongoing incidents when it is closed. The current ordinance hours, 8 am - 8 pm, are specified in the Town's Ordinance, Sec. 74-196. The police department determined that placing gates at the midtown beach access points and locking them during closed hours would assist in keeping the area safe. There already has been a shooting incident, assaults, narcotics and other incidents on the beach after hours. However, most incidents occur during late night and early morning hours. Therefore, it is recommended that the Town's current beach hours be amended from "8:00 am to 8:00 pm" to "Sunrise to Sunset" so the public can continue to enjoy the beach during all daylight hours.

## **REVIEW BY TOWN ATTORNEY**

cc: John C. Randolph, Town Attorney  
Kirk Blouin, Director of Public Safety  
Daniel Szarszewski, Deputy Police Chief  
Nicholas Caristo, Police Lieutenant

**EXHIBIT C**

Sec. 74-196. - Presence during closed hours; hours specified.

No person shall use or be upon any public beach in the town during the hours when any such beach is declared to be closed to the public as hereinafter set forth:

- (1) Phipps Park is declared to be closed to the public each day from sunset to 8:00 a.m. the following day.
- (2) The public beach from Royal Palm Way south to Gulfstream Road is declared to be closed to the public each day from 8:00 p.m. to 8:00 a.m.
- (3) The Clarke Avenue beach area is hereby declared to be closed to the public each day from 6:00 p.m. to 8:00 a.m.
- (4) The public beach owned by the county lying north of the City of Lake Worth casino property extending approximately 500 feet northerly therefrom is hereby declared to be closed to the public each day from 8:00 p.m. to 8:00 a.m.

(Code 1982, § 14-59)