

City of Sacramento

Legislation Text

File #: 2020-01305, **Version:** 1

Title:

Ordinance Adding Chapter 8.70 Relating to Portable Blowers (Passed for Publication 10/27/2020; Published 10/30/2020)

File ID: 2020-01305

Location: Citywide

Recommendation:

Adopt an Ordinance adding chapter 8.70 to the Sacramento City Code relating to Portable Blowers.

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Attachments:

- 1-Description/Analysis
- 2-Ordinance

Description/Analysis

Issue Detail: The use of leaf blowers creates several types of emissions, including engine exhaust, refueling emissions and fugitive dust emissions. The most significant health impact created by portable blowers comes from the fugitive dust emissions and noise created during operations. Portable blower dust entrained from streets can aggravate asthma and other upper-respiratory conditions when inhaled. The use of portable gasoline-powered blowers when the Air Quality Index (AQI) is high has created health concerns. According to the Sacramento Metropolitan Air Quality Management District (SMAQMD), the AQI exceeded 100 an average of 34.4 days dating back to 2014. Vice Mayor Jeff Harris requested that the City consider amending the city code to prohibit the use of all blowers whether electric or gas-powered when the AQI is at or above 100.

Policy Considerations: Health concerns regarding the use of portable blowers has created the

potential need for a regulation ordinance. Staff recommends adding chapter 8.70 of the Sacramento City Code relating to portable blowers to define “Air Quality Index” as the “Current PM2.5 AQI” for downtown Sacramento, as reported by the SMAQMD on the website page <http://www.sparetheair.com/aqi.cfm>. Further, the proposed ordinance would prohibit operating a portable blower when the AQI is 101 or above.

Economic Impacts: Gardeners and landscape contractors cite the superiority of gas portable blowers as gardening tools compared to rakes and other alternatives. The additional time it may take to use alternative methods may have a negative economic impact on these businesses because of lost productivity, and potentially result in increased cost to the consumer.

Environmental Considerations: The proposed action would prohibit the use of gas and electric leaf blowers when the air quality index as reported by the SMAQMD is greater than 100. Prohibition of the use of leaf blowers as proposed would not have any significant adverse effects on the physical environment and would have several beneficial effects as described in the staff report.

The proposed ordinance has as its basic purpose improving the noise and air quality environment and is categorically exempt from CEQA review pursuant to CEQA Guidelines section 15308 (actions by regulatory agencies for the protection of the environment). Because it can be seen with certainty that the action would have no significant effects on the environment it is also exempt under the commonsense exemption. CEQA Guidelines sections 15061(b)(3); 15060(c)(3). The adoption of the proposed ordinance is exempt from CEQA review

Sustainability: The proposed ordinance defines AQI for Sacramento and prohibits the use of portable blowers when the AQI is above 100 could improve public health outcomes by potentially reducing cases of asthma and upper respiratory ailments, resulting in a more resilient community.

Commission/Committee Action: On February 12, 2020, staff requested direction from the Law and Legislation Committee (committee) on amending the city code to prohibit use of the use of portable blowers when the AQI is above 100. The committee directed staff to return with an ordinance for consideration. On October 13, 2020, the committee heard the proposed ordinance adding chapter 8.70 to the Sacramento City Code relating to Portable blowers and approved a motion forwarding the ordinance to the City Council for consideration. The approved motion included clarifying the ordinance to prohibit use when the AQI is 101 or above.

Rationale for Recommendation: According to the SMAQMD, the AQI exceeded 100 an average of 34.4 days dating back to 2014. Due to recent wildfires throughout California this year, the AQI has been well above 100 often registering as “unhealthy for sensitive groups” up to “hazardous.” The proposed ordinance would prohibit use of portable blowers that further decrease air quality.

Financial Considerations: Monitoring and enforcement costs related to restricting the use of portable blowers when the Air Quality Index is 101 or above are unknown.

Local Business Enterprise (LBE): Not applicable.

Background: Sacramento City Code section 8.68.180 prohibits the use of gasoline-powered blowers on residential property or within two hundred (200) feet of residential property, except between the hours of nine a.m. and six p.m. Monday through Saturday and between the hours of ten a.m. and four p.m. on Sunday. It also prohibits the use of portable gasoline-powered blowers that exceed certain decibel levels, but the scope of enforcement is limited because portable blower use is transient and short in duration. Over the years, the City Council and staff have received complaints about portable blowers and occasional requests from the public calling for a ban or restriction of portable blower operations. Other than the applicable provisions of the City's noise regulation (Chapter 8.68 Noise Control), portable blower use is not regulated.

Gas-powered portable blowers can be a source of air pollution. Most gasoline-powered portable blowers have two stroke engines, which mixes fuel with oil. Over 30 percent of the fuel used by gas-powered portable blowers fails to completely combust, releasing several air pollutants such as carbon monoxide, nitrous oxide, and hydrocarbons. Both electric and gasoline-powered portable blowers generate considerable amounts of dust, noise and exhaust impacting residents, businesses, pedestrians, and others who may be in the immediate area at the time when this equipment is in use.

Health impacts that result from the use of portable blowers are generated by portable blower engine exhaust, dust, and noise. According to the SMAQMD, the most significant health impact created by portable blowers comes from the fugitive dust emissions and noise created during operation. Portable blower dust entrained from streets can aggravate asthma and other upper-respiratory conditions when inhaled by passersby on a short-term basis. If exposure is on a long-term basis, as it would be for landscape workers, particulates in the dust may contribute to serious health issues.

In August 2020, California began experiencing an "Extreme Heat Event" causing record-breaking temperatures and Red Flag warnings throughout the state. This event resulted in widespread lightning strikes, sparking hundreds of wildfires throughout the state. In response, Governor Gavin Newsom proclaimed a state of emergency. And the President of the United States declared that a major disaster exists in California.

Wildfire smoke contains a mix of harmful pollutants including particulate matter that cause several health problems including but not limited to pulmonary inflammation, altered immune function, increased susceptibility to respiratory illness. It also exacerbates existing health conditions such as asthma, respiratory and cardiac distress, chronic obstructive pulmonary disorder, and other lung diseases.

PM 2.5 particles can migrate hundreds of miles and remain in the air for days or weeks. Portable blowers contribute to air pollution by emitting particulate matter and contribute to air pollution by

blasting air at high velocities to move leaves and other debris. This also makes particulate matter that had settled and other surfaces on the ground airborne.

To minimize economic impact to gardeners and landscape contractors that utilize portable blowers and to protect the health and safety of the general public, Vice Mayor Jeff Harris requested amending the city code to prohibit the use of all blowers when the AQI is at or above 100. According to the SMAQMD, the AQI exceeded 100 an average of 34.4 days dating back to 2014.

Staff recommends adding chapter 8.70 of the Sacramento City Code relating to portable blowers to define “Air Quality Index” as the “Current PM2.5 AQI” for downtown Sacramento, as reported by the SMAQMD on the website page <http://www.sparetheair.com/aqi.cfm>. Further, the proposed ordinance would prohibit operating a portable blower when the air quality index is 101 or above.