

ORDINANCE NO. 1871-2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
REPEALING SECTION 10.40.038 OF THE BURLINGAME MUNICIPAL CODE
AND ADDING A NEW SECTION 10.48.038 TO THE BURLINGAME MUNICIPAL
CODE, TO REGULATE THE USE OF LEAF BLOWERS WITHIN THE CITY OF
BURLINGAME**

The City Council of the City of Burlingame finds as follows:

Section 1. Factual background

As the result of several study sessions and City Council hearings over the past year, the City Council has determined that there exists strong evidence that the use of gasoline engine powered leaf blowers has potential significant adverse impacts upon the general health safety and welfare. Specifically, the evidence shows that leaf blowers release significant amounts of carbon emissions into the City of Burlingame's air each year. As a result, the prolific use of this type of equipment has the potential to create significant clean-air and health impacts for the community. In addition to these potential impacts, the use of leaf blowers disturbs ground-borne particulate matter which, when airborne, can be ingested by the general public, potentially affecting long-term health. Finally, the use of leaf blowers in the community negatively impacts the quality of life enjoyed by residents of the community through the creation of excessive noise during times when residents are present within their homes. For these reasons, the City Council of the City of Burlingame supports greater restrictions upon the times during which leaf blowers may be used within the community.

NOW, THEREFORE, the City Council of the City of Burlingame does ordain as follows:

Section 2. Repeal of Burlingame Municipal Code Section 10.40.038

Section 10.40.038 of the Burlingame Municipal Code, "Leaf Blowers", is hereby repealed.

Section 3. Addition of New Section 10.48.038 to the Burlingame Municipal Code

A new section 10.48.038, entitled "Leaf Blowers", is hereby added to the Burlingame Municipal Code, to read as follows:

10.40.038 Leaf Blowers

- (a) On and after July 1, 2012, leaf blowers operated within the City of Burlingame shall display a label which certifies that it operates at a noise level of sixty-five (65) dBA or less. Any leaf blower which bears such a certification label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all the mufflers and full extension tubes supplied by the manufacturer for that leaf

blower. It shall be unlawful to operate a leaf blower within the City which does not bear such a label or which exceeds the 65 dBA level.

(b) On and after July 1, 2012, leaf blowers operated within the City of Burlingame shall only be operated during the times, on the days and in the areas as follows:

1. Area A –Peninsula and Barroilet Drives north to Sanchez and Toyon Drives.
Permitted only on Tuesdays from 8:00 a.m. to 5:00 p.m.
2. Area B - Sanchez and Toyon Drives north to Adeline and Cambridge Avenues.
Permitted only on Friday from 8:00 a.m. to 5:00 p.m.
3. Area C - Adeline and Cambridge Avenues north to Burlingame City Limits.
Permitted only on Thursdays from 8:00 a.m. to 5:00 p.m.

A diagram displaying these times, days and locations is attached to this ordinance.

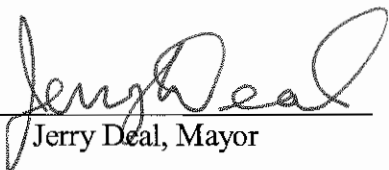
It shall be unlawful to operate a leaf blower during a time, on a day or in an area which is not in conformance with this subsection.

(c) Exemptions and Exceptions. The restrictions of subsection 10.48.038(b) shall not apply in the following circumstances:

1. Personnel maintaining non-residential properties east of the Cal-Train tracks and north of Toyon Drive and all properties east of Highway 101 between the hours of 8:00 a.m. and 5:00 p.m every day except Sunday.
2. Residents operating leaf blowers that produce a noise level of sixty-five (65) dBA or less between the hours of 9:00 am and 2:00 p.m. on Saturdays and 10:00 a.m. and 2:00 p.m. on Sundays.
3. Use of leaf blowers that produce a noise level of sixty-five (65) dBA or less will be allowed to operate between the hours of 8:00 am and 5:00 p.m. on Tuesdays and Fridays in the following areas:
 - i. parcels zoned R3 and R4 located in Area A&B as described in (b) above;
 - ii. publicly owned parks and landscaped areas as well as public and private schools, under four (4) acres in size.
4. When a designated day for a particular area to use leaf blowers occurs on a holiday, that area shall be allowed to use leaf blowers on the next designated weekday for the use of leaf blowers. For example:
 - If the holiday were to fall on a Tuesday, Area A would not be allowed to blow on Tuesday of that week but would be allowed to blow on Thursday of that week.

- If the holiday were to fall on a Friday, Area B would not be allowed to blow on Friday of that week but would be allowed to blow on Tuesday of the following week.
 - If the holiday were to fall on a Thursday, Area C would not be allowed to blow on Thursday of that week but would be allowed to blow on Friday of that week.
- (d) In all areas of the City of Burlingame, no person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five (65) dBA when measured from a distance of fifty (50) feet utilizing American National Standard Institute Methodology.
- (e) Notwithstanding other provisions in this section and in addition to the hours of operation permitted in this chapter, authorized city employees may operate leaf blowers as part of their tree trimming or removal activities between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 2:00 p.m. on Saturday and holidays, and 10:00 a.m. and 2:00 p.m. on Sunday, provided the leaf blower complies with the noise levels established by subsection (d) above.
- (f) Notwithstanding other provisions in this section, leaf blowers may be operated on properties greater than four (4) acres in size between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 2:00 p.m. on Saturday and holidays, and 10:00 a.m. and 2:00 p.m. on Sunday, provided the leaf blower complies with the noise levels established by subsection (d) above.
- (g) Persons operating leaf blowers are encouraged to ensure that leaves, dirt and other debris are not blown onto adjoining private or public properties. All leaves, dirt and other debris gathered by the leaf blower should be deposited in appropriate recycling containers.
- (h) Emergencies. During a period of emergency as determined by the City Manager, the enforcement of this section may temporarily be suspended.
- (i) Penalty. Any person who violates any provision of this section shall be guilty of an infraction and shall be punished by a fine in the amount of \$50.00.

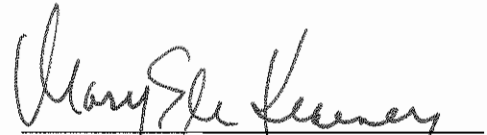
Section 4. This ordinance shall be published as required by law.



Jerry Deal, Mayor

I, Mary Ellen Kearney, City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 5th day of March, 2012, and adopted thereafter at a regular meeting of the City Council held on the 19th day of March, 2012, by the following vote:

AYES: Councilmembers: BAYLOCK, BROWNRIGG, DEAL, KEIGHRAN, NAGEL
NOES: Councilmembers: NONE
ABSENT: Councilmembers: NONE


Mary Ellen Kearney, City Clerk

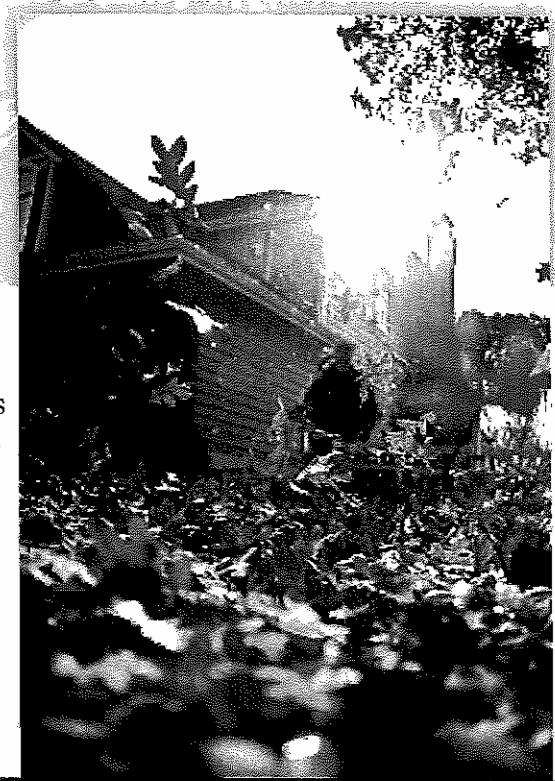


Modifications to the Permitted Use of Gasoline Powered Leaf Blowers in Burlingame

The Burlingame City Council has passed a new ordinance regulating leaf blowers. The ordinance addresses the health risks of high decibel noise pollution and allergenic particulate matter blown into the air by leaf blowers by reducing the number of days blowers may be used in each neighborhood. New regulations require the following:

- Commercial blowers may be used on only ONE day per week, per area, with an extra day for R3 & R4 buildings. *See below for your day.*
- Resident may use their own blowers on Saturdays from 9 AM-2 PM and Sundays from 10 AM- 2 PM, as well as on their assigned weekday.
- Commercial blowers must display a sticker, issued by the Department of Public Works, certifying that machinery is 65 decibels. Please see the reverse map for your day.

Residents will need to inform their gardening services of the change **before July 1, 2012**, the effective date of the ordinance. (Ordinance# 1D.48.038.)



Thank you for keeping Burlingame a healthy place to live!



Tuesdays from 8 AM to 5 PM - Peninsula and Barroilhet Drives north to Sanchez and Toyon Drive for all residential properties, with an additional day allowed each Friday for multi-residential properties zoned R3/R4.

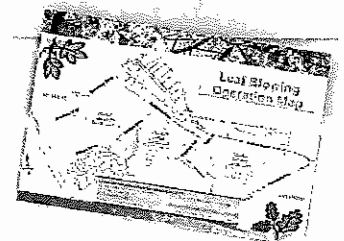


Friday from 8 AM to 5 PM - Sanchez and Toyon Drives north to Adeline and Cambridge Avenues for all residential properties, with an additional day allowed each Friday for multi-residential properties zoned R3/R4.



Thursdays from 8 AM to 5 PM - Adeline and Cambridge Avenues north to Burlingame City Limits on.

Please see reverse map for your day



Within the above listed areas, the ordinance applies to publicly owned parks and landscaped areas as well as public and private schools, under four (4) acres in size.

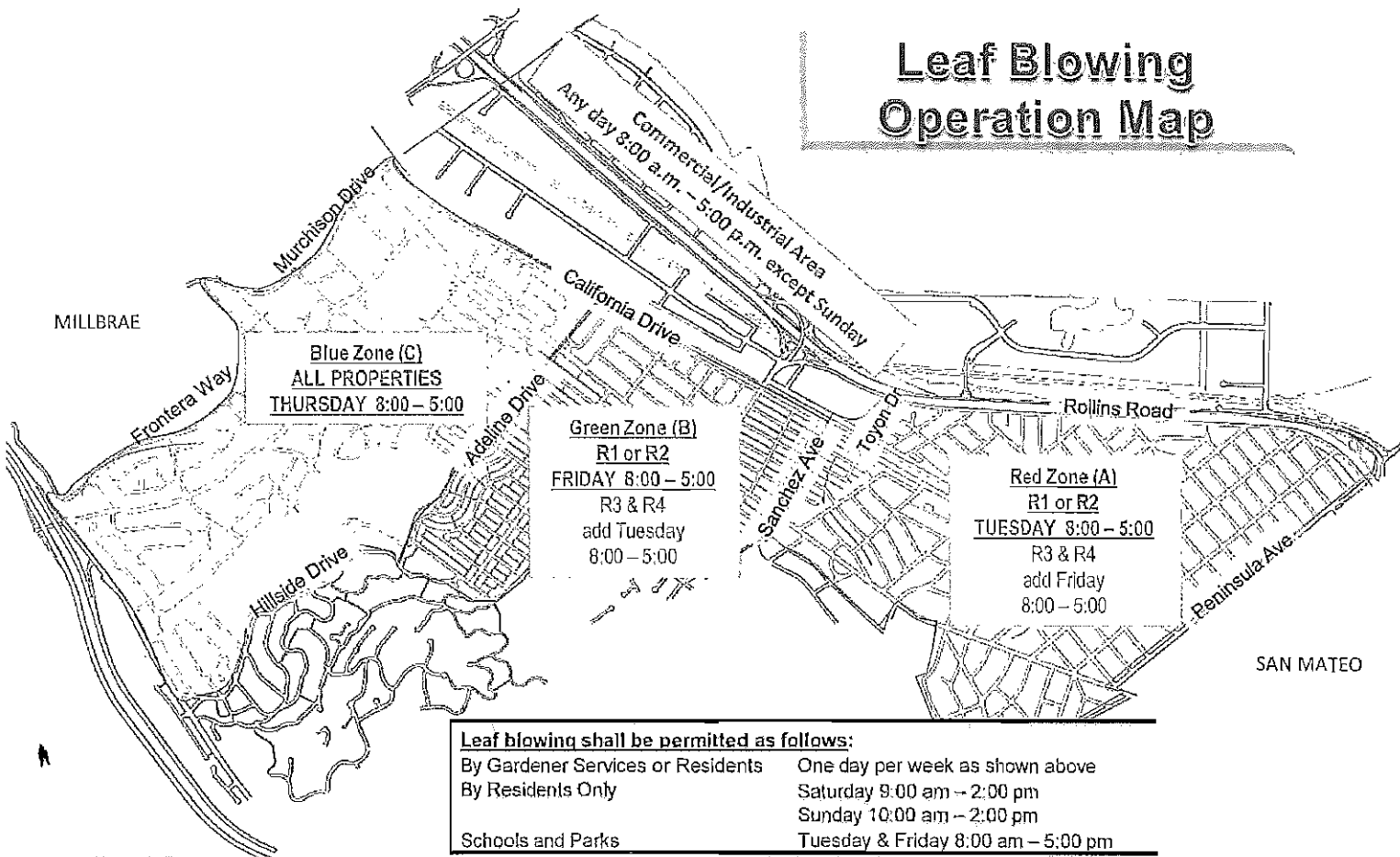
As the above ordinance sets out, there will be no permitted use of blowers on Mondays and Wednesdays city-wide, and no use on non-assigned days. Please consult the schedule above and inform your gardeners.

Any questions?

Please call the Public Works Corporation Yard at (650) 558-7670 or check www.burlingame.org/leafblowers for more information.



Leaf Blowing Operation Map



Leaf blowing shall be permitted as follows:
 By Gardener Services or Residents One day per week as shown above
 By Residents Only Saturday 9:00 am – 2:00 pm
 Sunday 10:00 am – 2:00 pm
 Schools and Parks Tuesday & Friday 8:00 am – 5:00 pm

- Commercial blowers must be certified at **65 decibels at 50 feet**, and require a city-issued sticker affixed to each machine, visible from the street. (\$5/ea sticker for 65 dB manufacturer-approved machines; \$25 tests up to 5 leaf blowers. See a 65 dB machinery list at: www.burlingame.org/leafblowers.)
- Residents should inform their gardeners that testing/sticker purchase is required and refer them to Public Works at (650) 558-7670 for an appointment.
- Homeowner machines do not require 65 decibel certification unless violations are alleged. Violators are subject to fines.
- A downloadable flyer may be used to inform gardeners or neighbors of violations, and proper usage. See: www.burlingame.org/leafblowers
- Fines of \$50 are issued upon complaint of violation, by the Police Department.

BLUE ZONE	RESIDENTS AND HIRED SERVICES					RESIDENTS ONLY	
	M	T	W	Th	F	Sat	Sun
Single Family (R1)	/	/	/	/	8-5	9-2	10-2
Duplex (R2)	/	/	/	8-5	/	9-2	10-2
Multi-Family (R3 & R4)	/	/	/	8-5	/	9-2	10-2

GREEN ZONE	RESIDENTS AND HIRED SERVICES					RESIDENTS ONLY	
	M	T	W	Th	F	Sat	Sun
Single Family (R1)	/	/	/	/	8-5	9-2	10-2
Duplex (R2)	/	/	/	/	8-5	9-2	10-2
Multi-Family (R3 & R4)	/	8-5	/	/	8-5	9-2	10-2

RED ZONE	RESIDENTS AND HIRED SERVICES					RESIDENTS ONLY	
	M	T	W	Th	F	Sat	Sun
Single Family (R1)	/	8-5	/	/	/	9-2	10-2
Duplex (R2)	/	8-5	/	/	/	9-2	10-2
Multi-Family (R3 & R4)	/	8-5	/	/	8-5	9-2	10-2

COMMERCIAL ZONE	M	T	W	Th	F	Sat	Sun
	Single Family (R)	8-5	8-5	8-5	8-5	8-5	8-5
Duplex (R2)	8-5	8-5	8-5	8-5	8-5	8-5	/
Multi-Family (R3 & R4)	8-5	8-5	8-5	8-5	8-5	8-5	/

Any questions?

Check www.burlingame.org/leafblowers for more information.