



CITY OF CAMBRIDGE

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July 29, 1997

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Regulating noisy leaf blowers;
Council Order #062 of 6/23/97

Dear Mr. Healy:

The City Council asked for information about how they could regulate noisy leaf blowers. See attached. The Council Order particularly refers to efforts at regulation in Eugene, Oregon, Los Angeles and San Francisco.

At present, the Noise Ordinance (Cambridge City Code Chapter 8.16) regulates the use of noisy equipment such as leaf blowers as follows:

§8.16.060(A)(1) provides that the measured noise disturbance provisions of the ordinance do not apply "to the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment...."

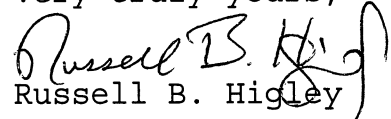
§8.16.080(L) provides that non-measured noise disturbances include domestic power tools such as a "lawn or garden tool" used outdoors in residential areas between 10:00 p.m. and 7 a.m. which is plainly audible 50 feet from the lot line of the lot on which the activity is located, or in a noise sensitive zone.

The three cities cited by the Council, as well as the IMLA municipal ordinance service, have been contacted for information. The Clerk's office in Eugene, Oregon stated that a proposed ban on leaf blowers was not enacted and that the Councillor who proposed it was no longer on the City Council. The Los Angeles Clerk's office stated that a ban on leaf blowers within 500 feet of residential areas was passed with a grace period on enforcement

until January, 1998. See attached Sec.112.04(c) of the Los Angeles code of ordinances. Attempts to obtain information from San Francisco have not yet been successful. The attorney from IMLA stated that the most common regulation of noisy equipment is similar to what Cambridge now has in the Noise Ordinance sections referred to above.

§8.16.080(L) currently prohibits the use of leaf blowers between the hours of 10:00 p.m. and 7:00 a.m. as stated above. The Council could consider expanding the hours of prohibition of domestic power tools generally. If there is a reasonable basis for concluding that leaf blowers are noisier than other domestic power tools, then a special rule for hours of permitted use, or an outright ban, may be an option. The Los Angeles model of banning the use of "gas powered blowers" and noisy "leaf vacuum devices" within 500 feet of a residence is also an option that may be pursued.

Very truly yours,


Russell B. Higley

Lr Angeles

SEC. 112.04. POWERED EQUIPMENT INTENDED FOR REPETITIVE USE IN RESIDENTIAL AREAS AND OTHER MACHINERY, EQUIPMENT, AND DEVICES.

(Title and Section Amended by Ord. No. 161,574, Eff 9/8/86.)

(a) Between the hours of 10:00 p.m and. 7:00 a.m. of the following day, no person shall operate any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within 500 feet of a residence.

(b) Except as to the equipment and operations specifically mentioned and related elsewhere in this Chapter or for emergency work as that term is defined in Section 111.01(d), and except as to aircraft, tow tractors, aircraft auxiliary power units, trains and motor vehicles in their respective operations governed by State or federal regulations, no person shall operate or cause to be operated any machinery, equipment, tools, or other mechanical or electrical device, or engage in any other activity in such manner as to create any noise which would cause the noise level on the premises of any other occupied property, or, if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the ambient noise level by more than five (5) decibels.

(c) (Added by Ord. No. 171,440, Eff. 1/17/97.) Notwithstanding the provisions of Subsection (a) above, no gas powered blower shall be used within 500 feet of a residence at anytime after July 1, 1997 with the exception of leaf vacuum devices which operate at a sound level not to exceed 45 dB(A). Both the user of such a blower as well as the employer of such user, if any, shall be subject to the requirements of and penalty provisions for this ordinance.

SEC. 112.05. MAXIMUM NOISE LEVEL OF POWERED EQUIPMENT OR POWERED HAND TOOLS.

(Amended by Ord. No. 161,574, Eff. 9/8/86.)

Between the hours of 7:00 a.m. and 10:00 p.m., in any residential zone of the City or within 500 feet thereof, no person shall operate or cause to be operated any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet therefrom:

(a) 75dB(A) for construction, industrial, and agricultural machinery including crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic or other powered equipment;

(b) 75dB(A) for powered equipment of 20 HP or less intended for infrequent use in residential areas, including chain saws, log chippers and powered hand tools;



EXECUTIVE DEPARTMENT
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CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

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20.

August 4, 1997

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 29, regarding ways to regulate noisy equipment such as leaf blowers, received from City Solicitor Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #20

Cal
5-538

Relative to Awaiting Report Item
Number Twenty-nine, regarding ways
to regulate noisy equipment such
as leaf blowers.

In City Council August 4, 1997

Charter Right
was exercised
by Vice Mayor Born
September 8, 1997

PLACED ON FILE

on motion of Councilor Davis