

ORDINANCE NO. 1906

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 34 of the Code of the City of Mountain Brook, Alabama (“City Code”) shall be amended as follows:

Section 1. Section 34-7 of the City Code shall be amended by inserting two additional provisions as subsections (b) and (c) and by moving the former subsection (b) to subsection (d) so that the entire Section 34-7, as amended, shall be as follows:

Sec. 34-7. Noise.

- a) It shall be unlawful for any person to make, cause to be made or permit to be made, in or about a dwelling, church, hospital, public school, public building, public park, store, street or other public thoroughfare in the city, any noise, either by crying out, calling or shouting or by means of a whistle, siren, megaphone, bell, gong, drum, victrola, radio or other instrument or mechanical device, for the purpose of advertising any business or any article for sale or exchange or for the purpose of attracting attention or inviting the patronage of any person to any business whatsoever; or to make, cause or permit to be made in or about any of the aforesaid places any unnecessary or excessive noise, either by crying out, calling or shouting or by means of any instrument or mechanical device whatsoever.
- b) It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any unreasonably loud or excessive noise which unreasonably annoys, disturbs, injures, endangers or interferes with the comfort, repose, health, peace or safety of others in the corporate limits of the City of Mountain Brook, Alabama. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned, possessed, managed or controlled by such person.
- c) In addition to the general prohibition set forth above, the following acts or noises are declared to be in violation of this Code, provided however, that such enumeration shall not be deemed to be exhaustive or exclusive:

The operation or permitting the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district, between the hours of 6:00 p.m. and 7:00 a.m. weekdays (8 a.m. weekends). For the purposes of this subsection, lawn equipment includes, but is not limited to, leaf blowers, lawnmowers, tractors, stump grinders, chippers, string trimmers, clippers, edgers and any other mechanically powered garden tool, blower or device.

- d) Any person who shall violate any provision of this section shall, upon conviction thereof, be punished within the limits and as provided by section 1-9 of this Code.

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 3. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the

remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 23rd day of June, 2014.



Council President

APPROVED: This 23rd day of June, 2014.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook,, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama at its meeting held on June 23, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 24, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road



City Clerk

Excerpt from Professional Landcare Network [PLANET] Position Statement on Leaf Blowers

PLANET is the national trade association representing more than 100,000 landscape and lawn care industry professionals

- Although PLANET prefers other methods of dealing with noise from leaf blowers **it does not oppose efforts to prohibit outmoded equipment** — as long as the standards are not unreasonable in light of the existing technology on the market. We suggest that efforts to prohibit outmoded equipment be accompanied by buy-back programs. At a minimum, bans on outmoded equipment should go into effect at least one year after a decision is made. This would give users crucial lead time to phase-out their equipment.
- PLANET believes the vast majority of commercial operators use their leaf blowers responsibly. Nevertheless, we acknowledge that improper use is a problem. It is caused chiefly by lack of knowledge, but, regrettably, it is sometimes a result of lack of courtesy for others.
- Cities, municipalities, and PLANET should partner together to educate the public as well as the green industry about proper use of leaf blower equipment. Educational programs should include the following information:
 1. Generally speaking, **leaf blowers should be run at half throttle most of the time.** Low throttle speeds not only significantly reduce noise, but they also provide the operator with maximum control. Full throttle is seldom necessary.
 2. Leaf blowers **should not be used in residential areas at unreasonable hours** —early in the morning or late at night when people are likely to be disturbed.
 3. **Debris should never be blown onto adjacent property, the street,** vehicles, people, or pets.
 4. Leaf blowers should not be used within 10 feet of doors or windows.
 5. Crews should **operate only one leaf blower at a time** on small residential sites.
 6. Rakes or brooms should be used to loosen heavier debris.
 7. The full nozzle extension should be used so the air stream can work close to the ground.
 8. The muffler, air intakes, and air filters should be checked routinely to make sure they are working properly.
 9. Leaf blowers should not be used to move large debris piles from one spot to another.
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- PLANET believes that informed citizens and green industry workers are likely to be more considerate. **For the few who may lack common courtesy even after increased knowledge, city ordinances mandating proper use under penalty of a steep fine may be necessary. PLANET does not oppose ordinances that mandate common sense rules of courtesy for using leaf blowers.**

- **Nor would PLANET oppose an ordinance requiring a governor attachment to leaf blowers that limited their throttle speed** in order to meet local dBa requirements. Such an ordinance would address the noise problem from outmoded equipment without going so far as to remove that equipment from the market. On the negative side, however, this solution would prevent users from switching to a higher throttle speed on the few occasions when it may be appropriate to do so, such as when they are doing their work at a substantial distance away from other people.

<https://www.landcarenetwork.org>

Guidelines for proper leaf blower use:

The primary solution to solving the leaf blower noise problem, after improving leaf blower design, is operator education. People must be made aware of the issues and become sensitive to the bystander's complaint. Once trained, the conscientious operator should help others to understand how to avoid generating complaints. The trained operator can even help in the organization of additional training programs within their own company and community. If at the present time there is no leaf blower sound or noise related issue in your area, that is the best time to implement the following guidelines. In other words, prevent the problem before it gets started. Once it reaches the point of pending legislation to control leaf blowers, it can be very difficult to reverse the trend. The leaf blower noise issue is best resolved at the source and before it becomes a problem.

Guideline #1.

Always be considerate of bystanders and adjoining property.

Debris should never be blown in the direction of people. No one wants to be pelted by particles of sand and debris. It can take one's breath away. It is almost a certainty that there will be a complaint. People have been known to become hostile. Some see it as a type of assault and have even called the police.

On the other hand, a neighbor or passerby will smile back at you when you idle down your blower and point the nozzle away. They usually realize that you are only doing your job and will give you credit for being courteous.

Respect other people's property. Do not blow material at automobiles or on neighbor's lawns and driveways. This could start retaliatory action. They may blow it back... with interest.



Watch out for open windows and doors. Pointing the blower nozzle at or toward an open door will not only send debris into someone's home, but it directs and increases the noise they must endure. Why call attention to what you are doing. Close the door.

Keep in mind that it is not only the neighbor and passerby that deserves consideration. If you are working on someone's property as a contractor, you should always be considerate of the owner, his or her property and everyone living there, including pets. Being inconsiderate here is a sure way to lose your contract.

The best practice is to be aware of who is around you at all times and know where the debris is being blown. Always be considerate, courteous and conscientious.

Guideline #2

Know and observe your local noise ordinances.

Sometimes, there are local ordinances in place to limit blower use to certain hours of the day and days of the week. As an operator, you should be aware of these times and make sure you do not violate them.

Even if there are no designated hours for blower use, common sense should prevail. Do not create a problem by using leaf blowers late in the day or very early before people are normally up and about.

Guideline #3

Run blowers only at the revolutions per minute (RPM) needed.

Only run the blower at throttle settings necessary to do the job. Rarely does a large backpack blower have to run at full throttle in a residential area. The faster the engine runs, the louder it will be and the more irritating the whine will be (older blowers).

Guideline #4

Avoid using more than one blower at a time.

Two blowers will probably do the job in half the time, but rarely is it necessary. One exception may be when moving large piles of leaves during fall cleanup. This condition is seasonal and normally will not upset anyone because people understand that this is not an ongoing practice. Never the less, if possible, use only one blower.



Guideline # 5

Minimize dust during normal cleanup operations.

There is a logical, yet incorrect conclusion that leaf blowers generate vast amounts of dust. Of course, they can, but when used properly, they contribute very little to the particulate matter in the air. It is all in the way one holds the nozzle and the amount of air generated.

To begin with, one should ensure that whatever dust is created should not be allowed to travel toward any nearby person or neighboring property. Understand that there are times when the blower simply should not be used. The job should be performed at a time when no one is around or when the prevailing wind is in a favorable direction.

To minimize the generation of dust, hold the nozzle above the ground and at a distance from the debris such that the airflow at the ground is only sufficient to move the material you want moved. In dusty areas and when using larger blowers, the nozzle must be held even higher above the ground with an aiming point farther away from the operator. Air velocity is what dislodges the material to be moved and air volume is what keeps it suspended once it is in the air. Practice this by starting with the nozzle well above the ground and then lower it to where it picks up the debris but not the dust.



You may think that dust is very light and easily lifted into the air. In reality, it is very heavy per unit volume. A good example is cement dust. One cubic yard of concrete is 1000 pounds heavier than one cubic yard of sand, yet because the particles of cement are very fine, a leaf blower can lift them if enough air movement is applied. A leaf, a blade of grass or a paper cup, on the other hand, has a weight or density hundreds of times lower than dust. One can find the correct airflow speed and volume to move only the leaf and not the dust with only a little practice.

The measured and published velocity of any commercial leaf blower is the highest value one can measure. That means it is measured at the end of the nozzle. The actual velocity at the ground can be much less without slowing the engine. The airflow speed falls off rapidly as it travels away from the nozzle and spreads out over a wide area. Skilled blower operators direct only enough air to move the unwanted debris, controlling the velocity, volume and position of the nozzle to avoid kicking up any dust.

The concept of a larger blower generating more dust is incorrect. Large blowers are intended for cleaning large areas and can be handled in such a way that very little dust is generated. It takes practice to do this, but it can and must be learned to avoid this complaint.

Guideline #6

Never deliberately use a leaf blower to move dusty materials.

On occasion, the leaf blower is used to clean extremely dusty materials. A leaf blower, any blower, is not the proper machine for this job. It must be understood that there are occasions when the leaf blower is simply the wrong tool.

Heavy concentrations of gravel, construction dirt, plaster dust, pulverized cement, concrete dust and dry garden topsoil should never be moved with a leaf blower because these materials have excessive amounts of dust particles that will become airborne. In a residential area, this type of debris should be cleaned up with vacuums or with power brooms having water injected to control the dust. Even using a hand broom is incorrect for this job. Sometimes only a garden hose (water) will do the job courteously and safely.

Guideline #7

Replace your old leaf blower with a new low noise blower.

There have been many changes in the design of leaf blowers resulting in a much quieter and less irritating product. See your local Echo dealer for the finest products available and do your part to eliminate the complaint generated by inconsiderate use of old noisy leaf blowers.

You can learn more about the leaf blower at: <http://members.cox.net/leafblower>.

Echo's entire leaf blower product line can be seen at: http://www.echo-usa.com/prods_list.asp?Category=POWERBLOWER .

Summary:

The leaf blower issue is noise. Here are the main steps one should take to avoid irritating people when using a leaf blower:

- Purchase and use new quiet leaf blowers
- Run blowers at part throttle whenever possible
- Be a considerate and courteous operator
- Avoid generating dust
- Use only one leaf blower at any given time
- Know and observe leaf blower ordinances
- Do not use leaf blowers late in the evening or early in the morning



Using a Quiet Echo Leaf Blower
In a Thoughtful and Courteous Way
Will Put an End to
Leaf Blower Complaints

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