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ITEM # 6

To: Lemoore City Council
From: Judy Holwell, Project Manager
Date: May 14, 2013
**Subject: Prohibiting the Placing, Blowing, Raking or Sweeping
of Yard Debris onto a Public Right-of Way**

Discussion:

During the March 19, 2013 City Council meeting, an ordinance prohibiting the blowing of yard debris onto public rights-of-way was presented. Council was concerned that the language was too subjective and directed staff to come back with an ordinance that lists a measureable amount of debris. In researching this item, staff spoke with Dale Bacigalupi, Attorney at Law for Lozano Smith. He indicated that it would be very difficult to measure a "visible" amount of debris or to identify a measureable "quantity". Additionally, the City would not be able to revoke a Business License for such an offense, as was suggested, because the License is only a revenue source for the City, not an enforcement measure.

Mr. Bacigalupi came up with the following "indirect" alternative. However, the enforcement of this option would require additional staff time.

- Require commercial landscape maintenance companies to obtain a Mechanical Leaf Blower Encroachment Permit annually
 - The permit could state that leaves and debris need to be raked and discarded properly
 - It could limit the hours or areas that blowing would be permitted in order to more easily enforce (e.g. limit to certain times/days of the week and/or limit to certain days in each quadrants of the City)
 - An infraction amount could be listed of say \$50 or more if caught blowing leaves/debris onto streets
 - If terms of the permit are violated more than X times per year, then it could be revoked for the remainder of the year

- Revenues collected for the permits and infractions could be used to offset the cost to the City for the additional staff time and to clean up the debris

Staff time would be required for the issuance of the permits, an enforcement officer would need to be present during the times/days that the mechanical leaf blowers are allowed in order to catch violators in the act, the number of violations per year would need to be tracked, and invoices would need to be sent for the cost of infractions and for the cost to clean up any remaining debris that is not disbursed by passing vehicles.

For your convenience, the following links are for the March 19 staff report and draft ordinance, which was not approved:

http://www.lemoore.com/agendas/2013/mar19/data/3_19_13_item_5_1.pdf

http://www.lemoore.com/agendas/2013/mar19/data/3_19_13_item_5_2.pdf

Budget Impact:

None.

Recommendation:

Council direction.