

OFFICE OF OPERATIONS

NOTICE NO. 35

July 29, 1997

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: MORATORIUM ON ENFORCEMENT OF THE CITY'S LEAFBLOWER
ORDINANCE

EFFECTIVE: Immediately

RECEIVED
AUG 05 1997
PLANNING AND RESEARCH
DIVISIONPURPOSE

This Notice informs personnel of recent policy changes made by the Los Angeles City Council with regard to Citywide enforcement of the newly enacted "Leafblower Ordinance."

INFORMATION

On December 3, 1996, the Los Angeles City Council passed an Ordinance which amended Section 112.04 of the Los Angeles Municipal Code (LAMC) entitled (Powered Equipment Intended for Repetitive Use in Residential Areas and Other Machinery, Equipment, and Devices). The City Council added Subsection (c) to the LAMC section which states in part:

"No gas powered blower shall be used within 500 feet of a residence at anytime after July 1, 1997 ...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."

Note: The term "employer" has been interpreted by the City Council to indicate the party who specifically employs a individual to perform gardening services on property they either own or rent.

Although the new "Leafblower Ordinance" became effective on July 1, 1997, several important provisions of the law were accidentally omitted upon publication. Consequently, these omissions rendered the Ordinance virtually unenforceable.

Additionally, a number of operational and legal concerns were raised by the Department and the City Attorney's Office following enactment of the new law. The combination of these complex factors required the City Council to revisit the provisions of the Ordinance in order to make the appropriate adjustments.

Public opinion over the Ordinance generated extensive media interest. Additionally, the Department received numerous inquiries from the community regarding whether or not the new law was actually being enforced. On July 16, 1997, the City Council examined the problems associated with the Ordinance and imposed a six-month moratorium on enforcement.

Due to the ambiguity of certain provisions of the Leafblower Ordinance, the City Council established an Ad Hoc Committee to examine enforcement issues. The Ad Hoc Committee will report any recommendations for modifications to the Ordinance to the City Council in six-months.

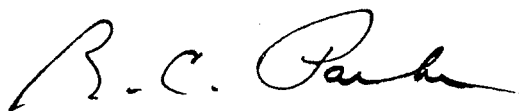
PROCEDURE

During the period of July 16, 1997, through December 31, 1997, personnel shall verbally warn anyone operating a gas powered leafblower within 500 feet of a residence that effective January 1, 1998, citations may be issued for a violation of Section 112.04 (c) LAMC (Use of a gas powered leafblower within 500 feet of a residence).

Additionally, personnel shall verbally warn anyone who employs anyone operating a gas powered leafblower that they also may be cited and held responsible for any violation of the Ordinance. A violation of the Ordinance is a misdemeanor and can carry up to \$1,000 in fines and up to six months in jail.

Note: No citations shall be issued during the moratorium period.

A subsequent Notice will be issued prior to the end of the moratorium delineating specific enforcement procedures to be taken (e.g. citation completion, elements needed for successful prosecution, etc.). Any questions regarding this Notice should be directed to the Evaluation and Administration Section, Office of Operations, at extension 5-4111.



BERNARD C. PARKS, Deputy Chief
Director
Office of Operations

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