



## MEMORANDUM

Planning Department

DATE: September 10, 2024

TO: Jana L. Ecker, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Amendments to Chapter 50 of the Birmingham Code of Ordinances to Create Regulations for Leaf Blowers

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### INTRODUCTION:

Over the last 2 years, the City Commission has discussed the issue of leaf blowers numerous times both formally and informally. In these conversations, it was suggested that leaf blowers could be considered detrimental to the public health, safety and welfare and that the City should consider banning the use of such. Ultimately, the City Commission passed a resolution in 2023 in support of a ban eliminating the use of two-stroke gas powered leaf blowers by July 1, 2026. At this time, the Planning Department has begun drafting ordinance language related to this proposed ban and is seeking direction on next steps.

### BACKGROUND:

On October 3, 2022 ([Agenda](#) – [Minutes](#)), the City Commission held a workshop in which the topic of leaf blowers was discussed. A high level discussion regarding the goals of any future study into leaf blowers was had, and there was much discussion about the issues experienced by the use of leaf blowers and the potential challenges in considering a ban.

On August 14, 2023 ([Agenda](#) – [Minutes](#)), the Planning Department presented a more in-depth review of the problems that leaf blowers pose, specifically two-stroke gas powered leaf blowers and distilled the issues down to three main categories: emissions, noise and environment. In addition, the Planning Department provided some research into other communities nationwide that are implementing leaf blower bans. Ultimately, the City Commission moved to direct the Planning Division, through the City Manager, to study a phased approach to eliminating the use of two-stroke, gas powered leaf blowers in the City of Birmingham.

On September 11, 2023 ([Agenda](#) – [Minutes](#)), the City Commission moved to adopt a resolution to phase out the use of two-stroke gas powered leaf blowers by July 1, 2026. This phase approach included policy actions, educational actions, and regulatory actions. Since the resolution was passed, the City has provided an education campaign that involved newsletters and various press engagements.

#### LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns as to form and content.

#### FISCAL IMPACT:

As stated in previous reports, two-stroke leaf blowers are easier to maintain and have a lifespan that could exceed 10 years. Because of this, the City may incur an additional cost to replace gas-powered leaf blowers with electric leaf blowers. This cost may be offset by the sale of the City's existing leaf blowers, as well as the reduction in gas/oil consumption over time.

#### SUSTAINABILITY:

As stated in previous reports, this agenda item has a direct tie to the City's sustainability goals. As noted in several places above, two-cycle leaf blowers have a uniquely detrimental effect on the environment, and the phased transition to electric or manual leaf removal will significantly reduce the effects on the environment and public health.

#### DESIGN CONSIDERATIONS:

There are no design considerations for this agenda item.

#### PUBLIC COMMUNICATIONS:

There are no required public communications for this agenda item. However, the subject was advertised in this agenda, as well as the agendas for October 2, 2022, August 14, 2023, and September 11, 2023. In addition, the topic has been discussed in several newsletters, media engagements, and email contacts over the course of the last year. As the phase-out progresses, the City will continue to advertise the issue at public meetings, and use communication tools including (but not limited to) newsletters, the City website, e-blasts, social media, and in-person engagements where possible.

#### SUMMARY:

The Planning Department requests that the City Commission consider amendments to Chapter 50 – Environment, to add Article VI to add regulations for leaf blowers including a phase out date of July 1, 2026.

#### ATTACHMENTS:

Please see the attached documents for review:

- Proposed amendments to Chapter 50 – Environment

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting an ordinance to amend Chapter 50 – Environment, to add Article VI to add regulations for leaf blowers including a phase out date of July 1, 2026.

**AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 50. – ENVIRONMENT, TO ADD ARTICLE VI. – LEAF BLOWERS.**

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 50. – Environment, Article VI. – Leaf Blowers:

**ARTICLE VI. – LEAF BLOWERS**

**Sec. 50-211. – Purpose.**

The purpose of this chapter is to protect the peace, health, safety, and welfare of persons in the City of Birmingham and to promote the City's sustainability goals by reducing noise, pollution, and other negative effects from leaf blowers.

**Sec. 50-212. – Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Gas powered* means powered by an internal combustion engine, including gasoline, kerosene, diesel, propane, or other volatile fuel.

*Leaf Blower* means a powered portable, handheld, or backpack vacuum or blower used outdoors for the purpose of blowing or vacuuming light materials, such as dust, dirt, leaves, grass or plant clippings, stones, trash, or debris. It does not include snow blowers.

*Electric* means not Gas-Powered and powered from an electrical outlet or from batteries.

*Turbine Blower* means a towed or wheeled Leaf Blower powered by a four-stroke internal combustion engine.

**Sec. 50-213. Regulation of gas powered leaf blowers.**

- 1) *Seasonal use and phase-out.* The use of Gas-Powered Leaf Blowers is permitted from October 1 to May 30 annually. Beginning July 1, 2026 the use of Gas Powered Leaf Blowers is prohibited at all times in the City.

**Sec. 50-214. – Regulation of leaf blowers generally.**

- 1) *Blowing off-property prohibited.* It is prohibited to blow or sweep debris, trash, leaves, plant clippings, or yard waste into a neighboring property, street, sidewalk, drain, or public right-of-way.
- 2) *Noise.* The operation of leaf blowers shall comply with the noise limits set by Chapter 50, Article II, Division 4 of this ordinance.
- 3) *Operation.* The operation of leaf blowers shall be in a manner that is safe, courteous and responsible.

Sec. 50-215. – Penalties.

Violations of this article shall be punishable under section 1-9. Each day on which a violation of this article exists shall be deemed to constitute a separate offense.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2024. Effective upon publication.

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Elaine McLain, Mayor

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Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held \_\_\_\_\_, 2024 and that a summary was published \_\_\_\_\_, 2024.

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Alexandria D. Bingham, City Clerk