

ORDINANCE 2231

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 16.20.60 OF THE LOS GATOS TOWN CODE RELATING TO RESTRICTIONS ON LEAF BLOWER OPERATIONS AND ADDING SECTION 16.20.70

WHEREAS, the use of motorized leaf blowers adversely impacts community health and welfare; and

WHEREAS, motorized leaf blowers generate high noise levels, which disrupt neighborhood tranquility, disturb residents, workers and visitors, and thereby degrade the quality of life in Los Gatos; and

WHEREAS, the use of motorized leaf blowers increases the volume of particulate matter in the air and thereby exacerbates allergies and respiratory ailments.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY ORDAIN AS FOLLOWS:

Los Gatos Town Code Section 16.20.60 is hereby amended to read as follows:

Sec. 16.20.060. Powered equipment.

- a) Gasoline leaf blowers shall be prohibited from use in all residential, commercial, and industrial zones or public space.
- b) Electric leaf blowers in excess of 65 decibels shall be prohibited from use in all residential, commercial, and industrial zones or public space, measured 50 feet from the source.
- c) Miscellaneous nonstationary noise sources such as; electric or gasoline lawn mowers, electrical leaf blowers, edge trimmers, hedge trimmers and other similar moveable noise sources shall be operated only during the hours of 8:00 a.m. to 5:00 p.m. weekdays and 9:00 a.m. to 4:00 p.m. weekends in residential, commercial, industrial, public spaces or noise sensitive zones. Leaf blower use is prohibited on Sundays and holidays.
- d) The provisions of this section shall not apply to emergency work as defined in article I of this chapter.

- e) Powered toys and models. No person shall operate or permit to be operated any powered toy or model, as defined in article I of this chapter, so as to cause a noise disturbance across a residential property plane or violate the limitations and provisions of this chapter.

Sec. 16.20.070. Enforcement and violation—penalty

- a) The Town Manager, or his or her designee, has primary responsibility for enforcement of this Chapter. The Town Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, and issuing fines.
- b) If the Town Manager or his or her designee determines that a violation of this Chapter has occurred, he /she will issue a written warning notice that a violation has occurred and the potential penalties that will apply for future violations.
- c) The violation of any provision contained in this chapter, is hereby declared to be unlawful and any person or entity found to be in violation shall be guilty of an infraction, which shall be punishable by a fine not exceeding five hundred dollars.
- d) The remedies provided in this subsection are not exclusive, and nothing in this subsection shall preclude the use or application of any other remedies, penalties or procedures established by law.

Any provision of the Los Gatos Town or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

The Mayor shall sign and the Town Clerk shall attest to the passage of this Ordinance. The Town Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

This Ordinance was introduced at a Regular meeting of the Town Council of the Town of Los Gatos, on May 9, 2014, and adopted by the following vote as an ordinance of the Town of Los Gatos at a Regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of June 2014. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

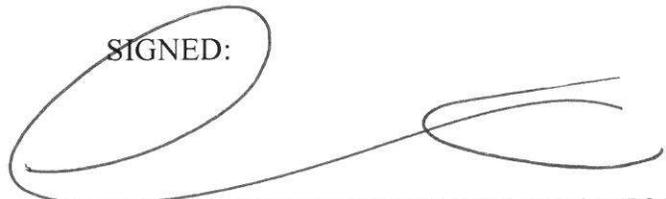
AYES: Marcia Jensen, Barbara Spector, Mayor Steven Leonardis

NAYS: Diane McNutt, Joe Pirzynski

ABSENT:

ABSTAIN

SIGNED:

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a smaller loop.

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

A handwritten signature in black ink, appearing to read 'Shelley Reis'.

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA