



GAS-POWERED LANDSCAPING EQUIPMENT PRESENTATION

Background

- Councilmembers directed staff to examine the possibility of banning gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution
- A workgroup was formed to examine this possibility, including:
 - Economic Development
 - Police Department
 - Planning, Zoning, & Inspections
 - Public Works
 - Town Attorney
 - Town Manager's Office

Current Regulations

Chapter 5 (General Offences), Section 5-12(4) - prohibits the use of certain equipment after sunset or before 7:00am (except Sunday when the start time is Noon)

This specifically includes chain saws, brush cutters, wood-chippers, or similar power equipment.

Comparison to other Municipalities

- Chapel Hill is the only municipality in NC that specifically limits landscape equipment based on decibels
- Uses dB to restrict noises and may or may not exempt actions/items
 - Elkin
 - White Lake
- Features “unreasonably loud, disturbing, or unnecessary noise” clauses
 - High Point
 - Mocksville
 - Mount Airy
 - Beaufort County
 - Buncombe County

Chapel Hill Statute

- Chapter 11, Article III- Noise, Section 11-40.1 Regulations applicable to leaf blowers and other motorized agricultural and landscape maintenance equipment
- “Shall be operated only with all manufactured-supplied emission control devices and noise muffling equipment in proper working order”
- Lists certain zoning classifications and time zones
- “Equipment does not exceed 65 dBa when measured, off of the premises where the equipment is being used, at a distance of 50 feet from the location of use”
- Exceptions for golf courses

Enforcement Perspective

- Spoke with Chapel Hill Police Department - very few complaints and zero enforcement actions
- CHPD has one decibel measuring instrument that is calibrated by an external service provider each year
- Steady state noise (such as generators and landscaping equipment) is usually measured by the decibel meter
- Most of their enforcement does not get to the noise measuring stage and, instead, is handled by voluntary compliance

Legal Opinion

- A ban on gas-powered leaf blowers is not likely to be upheld by North Carolina courts
- A maximum decibel level could be established
- Permissible days of the week and hours could be established for the use of equipment in residential zoning districts and on non-residential properties contiguous to residentially zoned properties
- Equipment could be required to be operated with manufacturer emission and noise control features in proper working order
- Regulations might provide for sensible exceptions such as for equipment operated by the Town (upcoming Fleet Study will also include a plan to transition all landscaping equipment to alternative fuel options)

Carrboro Landscaping Business Survey

- Surveyed local lawn care companies (4)
- One stated that they would no longer do business in Carrboro
- All (4) stated that they do business in Chapel Hill even with the restrictions
- Half (2) stated that it would cost \$25,000 or more to upgrade their equipment to be in compliance
- Feedback from El Centro also expressed concerns:
 - restricting the times landscapers are able to work,
 - incurred costs of investing in new landscaping equipment,
 - encouraged education on compliance, and
 - that too restrictive regulations that may cause small companies and independent landscapers to no longer work in Carrboro.

Findings Summary

- Banning gas-powered landscaping equipment is not likely possible (legally).
- Placing limits on decibel levels and operational times may result in a similar outcome to banning gas-powered equipment (electric-powered is on average 10 decibels lower than gas-powered).
- Enforcement of decibel levels may prove to be difficult and would likely be complaint driven with limited enforceability.
 - Chapel Hill is the only city in NC to place a decibel ban on landscaping equipment.
 - \$200-\$500 per meter plus annual calibration.
- There may be negative impacts to landscaping businesses and low-income homeowners in order to come into compliance with time and decibel restrictions.

Options and Recommendations

- Expand and utilize existing noise ordinance to specifically include landscaping equipment.
 - Would require a simple Town Code amendment
- Create a new ordinance that will limit the decibel level of landscaping equipment.
 - Would require staff time to draft, and equipment purchases and training for enforcement
- Make no changes at this time.