

JAN 22 2010

S.B. NO. 2356

A BILL FOR AN ACT

RELATING TO LEAF BLOWERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Noise pollution creates a serious health risk
2 according the World Health Organization. Studies have found
3 that noise causes stress and the body reacts with increased
4 adrenaline, changes in heart rate, and elevated blood pressure.
5 This stress has been shown to cause low-weight babies, depressed
6 immunity, aggressive behavior, and greater risk of heart attack.
7 The average leaf blower measures seventy to seventy-five
8 decibels at fifty feet and can reach ninety to one hundred
9 decibels for the operator's ears. The World Health Organization
10 recommends general daytime outdoor noise levels of fifty-five
11 decibels or less. The decibel scale is logarithmic, meaning
12 each increase of ten represents a noise ten times louder. Thus,
13 leaf blowers create a great amount of noise pollution for the
14 operator and the listener, which can have great health risks for
15 all.

16 However, the noise pollution created by leaf blowers is not
17 the only source of health risks. The vibrations caused by



1 carrying a commercial leaf blower on the back of the operator
2 can cause hearing damage. Additionally, the act of stirring up
3 dust and debris increases risks to asthma and allergy sufferers,
4 and increases the risk of breathing pesticides, animal feces,
5 and viruses. A landscaper in Long Island died after using a
6 leaf blower in a place with lots of rodents, because the blower
7 stirred up particles of rodent saliva, urine, and feces
8 containing the hantavirus, which when breathed by humans is
9 fatal in most cases.

10 The legislature finds that the health risks associated with
11 the use of leaf blowers requires stricter limitations on their
12 use. Electric leaf blowers are dramatically quieter than the
13 typical gas-powered leaf blowers, thus limiting usage to
14 electric blowers will reduce the risks associated with noise
15 pollution. However, the legislature hopes that citizens will
16 consider using a rake and broom, which in multiple tests in
17 California has proven to be more effective in cleaning areas and
18 comparable in time used.

19 The purpose of this Act is to:

- 20 (1) Prohibit the use of gas-powered leaf blowers in the
21 State;



- 1 (2) Restrict the use of electric leaf blowers within
- 2 residential zones to certain hours to reduce
- 3 interruptions to people at home;
- 4 (3) Prohibit the use of electric leaf blowers on Sundays
- 5 and federal holidays;
- 6 (4) Limit the use of electric leaf blowers to avoid
- 7 blowing dust and debris into neighbors' windows or air
- 8 duct systems, and onto the property of others; and
- 9 (5) Limit the amount of time one can operate an electric
- 10 leaf blower, based on the size of the property.

11 SECTION 2. Chapter 342F, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§342F- Leaf blower; restrictions. (a) It shall be
15 unlawful for any person to operate a leaf blower within a
16 residential zone or within one hundred feet of a residential
17 zone in the State, except between the hours of 8:00 A.M. and
18 6:00 P.M. on any day except Sunday or a federal holiday;
19 provided that:

- 20 (1) No leaf blower shall be operated within a horizontal
- 21 distance of ten feet of any operable window, door, or
- 22 mechanical air intake opening or duct of a building;



1 (2) Leaf blowers shall not be operated for more than
2 thirty minutes per day on parcels of less than one-
3 half acre, or for more than one hour per day on
4 parcels of one-half acre or more but less than one
5 acre; or for more than two hours per day on parcels of
6 one acre or more;

7 (3) No more than one leaf blower may be operated
8 simultaneously per half acre per parcel; and

9 (4) The maximum decibel level of 70 dba shall not be
10 exceeded.

11 (b) It shall be unlawful at any time to operate a gas
12 powered machine used to blow leaves, dirt, or other debris off
13 sideways, driveways, lawns, and other surfaces.

14 (c) It shall be unlawful to operate a leaf blower on
15 Sunday or any federal holiday.

16 (d) Violators shall be fined \$50 for the first violation,
17 \$100 for the second violation, \$200 for the third violation, and
18 \$500 for each subsequent violation.

19 (e) For the purposes of this section:

20 "Leaf blower" means any electric powered machine used to
21 blow leaves, dirt, or other debris off sidewalks, driveways,
22 lawns, and other surfaces.



1 "Parcel" means an area of real property with a separate or
2 distinct number or other designation shown on a plat recorded in
3 the bureau of conveyances for the State. Contiguous parcels
4 owned by the same individual or entity shall be considered one
5 parcel for purposes of this section."

6 SECTION 3. Chapter 342H, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§342H- Leaf blower debris. (a) It shall be unlawful
10 for any person to use or operate a leaf blower in such a manner
11 as to blow, dispel, or make airborne, dust, leaves, grass
12 cuttings, paper, trash, or any other type of unattached debris
13 or material, beyond the boundaries of the parcel of property
14 being cleaned, unless the consent of the adjoining owner or
15 person in possession of the adjoining property is obtained.

16 (b) It shall be unlawful for any person to use or operate
17 a leaf blower in such a way as to blow leaves, dirt, and other
18 debris onto the public rights-of-way or onto private property
19 not owned, leased, or controlled by the leaf blower operator or
20 the employer or contractor of the leaf blower operator and to
21 allow the debris to remain there in excess of thirty minutes."

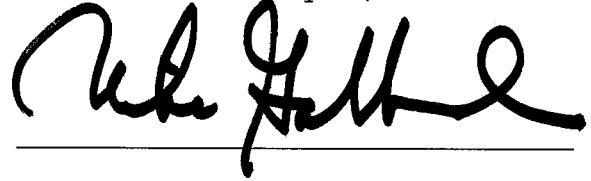
22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2011.

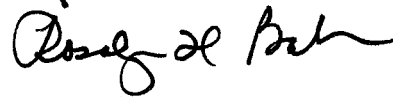
2

INTRODUCED BY:



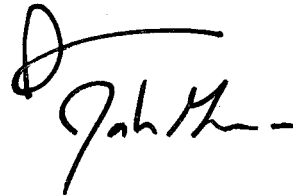














Report Title:

Leaf Blowers; Noise Pollution; Debris; Violations

Description:

Prohibits the use of gas power leaf blowers; prohibits the use of leaf blowers on or near residential zones, except within allowed time periods; prohibits leaf blowing operations from blowing debris onto adjacent property without permission.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

