



Agenda Item Summary

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Agenda Item Title

An Ordinance Amending Chapter 8 ("Business Licensing") of the Oak Park Village Code by Adding a New Article 41 ("Lawn Maintenance/Landscaping") and Amending Chapter 7 ("Buildings"), Article 0 ("Contractor Registration"), Section 7-0-1 ("Contractor Registration") and Chapter 17 ("Offenses"), Article 1 ("Identification Of Specific Offenses"), Section 17-1-30 ("Noise") of the Oak Park Village Code

Overview

Pursuant to the Village Board's direction at its November 7, 2022 meeting regarding a presentation of a leaf blower policy analysis, staff prepared an Ordinance establishing a Lawn Maintenance/Landscaping business license, a related contractor registration requirement, and equipment restrictions prohibiting gasoline or propane powered leaf blowers after June 1, 2025.

Recommendation

Adopt the Ordinance.

Background

During the Board of Trustees meeting on 6/28/21 (ID 21-82 "Leaf Blower Ban - Discussion"), the Trustees discussed a review of the current leaf blower ordinance and research on other local approaches. The Board of Trustees referred the issue to the Environment and Energy Commission (EEC). The EEC deliberated the question and voted to recommend:

- Ban on all (gas or electric) leaf blowers before 8 a.m., effective upon ordinance adoption.
- Total phaseout within one year for all gas-powered lawn care devices except lawn mowers.
- Ban gas lawnmowers when electric alternatives are readily available.
- Enforcement through the Village code enforcement staff, not through the Police Department.
- Dedicated staff email for resident complaints.
- Provide education for contractors and residents.
- Look to other municipal program examples for how to support transition for small businesses.

During the Board meeting on 6/13/22 (ID 22-170 "Presentation and Discussion of the Environment and Energy Commission's Recommendation to Amend the Village Code Regarding Gasoline Powered Leaf Blowers"), the EEC presented its recommendations. Staff requested Board approval to contract for short-term specialized expertise to conduct a feasibility analysis of the proposed ordinance amendments and associated small business assistance program.

Staff contracted with Metro Strategies Group to conduct the policy analysis.

During the Board meeting on 11/7/22 (ID 22-288 “Presentation of the Leaf Blower Policy Analysis prepared by Metro Strategies Group”), the Metro Strategies Group presented its analysis on implementation options for a leaf blower ordinance. Based upon the discussion, the Board directed staff to prepare an ordinance. Over several months, staff from various departments met to author the ordinance presented tonight.

The ordinance creates a new lawn maintenance/landscaping business license that includes equipment restrictions prohibiting gasoline or propane-powered leaf blowers after June 1, 2025, and specifies the days and times when leaf blowers are allowed to be operated. Exemptions are provided for emergency use.

The ordinance requires all lawn maintenance/landscaping contractors, regardless of whether a Village permit is required, to register with the Village according to the code and follow all equipment restrictions required under the lawn maintenance/landscaping business license.

Finally, the ordinance amends the current noise ordinance making it a violation for anyone to operate any leaf blower in excess of sixty-five decibels (65 dB), as rated by the manufacturer, and a violation to operate any leaf blower outside of the days and times allowed under the equipment restrictions as provided for the lawn maintenance/landscaping business license.

The ordinance, upon passage, will require contractor registration; however, the registration fee is waived for a two-year period until 2025. Any home-based businesses, that operate a lawn maintenance service are not charged a licensing fee. The Village has a list of landscaping businesses previously registered for permitted work as contractors, who will be notified of the new ordinance. The Village will use social media during the transition period to inform all residents of the ordinance change. During the transition period, prior to June 1, 2025, gas and propane-powered leaf blowers will only be prohibited between June 1st to September 30th.

Fiscal Impact

The contractor registration fee of \$50.00 is waived until the year 2025. On average over the past four (4) years, 17 lawn maintenance/landscaping contractors have registered with the Village. During the first two years of the ordinance, it is anticipated that \$850 would be waived; thereafter, these fees would be collected on a yearly basis.

Currently, there are no lawn maintenance/landscaping businesses licensed to operate within Oak Park. Any new fixed place of business in Oak Park would be subject to the existing license fees that are already established. Home-based businesses would be subject to the licensing requirement and equipment restrictions; however, are not charged a license fee.

DEI Impact

Eliminating gas-powered leaf blowers has many benefits for the Oak Park community as it relates to Climate Ready Oak Park (CROP) goals. There are also DEI impact considerations around how certain demographics are impacted by this decision. One of the most consistent impacts considerations that were raised centered on the cost implications for landscaping companies. Specifically, what are the potential cost impact for smaller and/or people of color owned landscaping businesses? In order to address this consideration, staff developed a survey. The development of a survey

was phase one of the community engagement process.

The Communications Department released a survey on January 9, 2023, on the Engage Oak Park website, to better understand the landscaping practices of the Village of Oak Park. The survey was created in collaboration between the divisions of Sustainability and DEI. A top takeaway of the almost 400 people who took the survey was a large number of residents remove their leaves themselves versus using a contracting service. This insight was helpful to understand the scope of impact on landscaping companies. The survey was also able to collect information on who Oak Park residents are using for their landscaping services. This information will be useful for the planned focus group sessions involving landscapers to gather their insight and develop solutions to their needs. Additionally, the focus group sessions will also help to identify language access needs for landscapers.

In order to address the DEI Impact considerations staff will move to phase two of their engagement plan. Phase two will consist of conducting a series of focus groups with the landscaping community. These focus groups will occur in the next several months. Hearing directly from the landscaping community will help inform staff of internal processes to support the transition of landscapers. Engagement will continue to occur throughout the adoption process.

Alternatives

Request additional information.

Previous Board Action

Board of Trustees meeting on 6/28/21 (ID 21-82 “Leaf Blower Ban - Discussion”). Trustees discussed a review of the current leaf blower ordinance and research on other local approaches. The Board of Trustees referred the issue to the Environment and Energy Commission (EEC).

Board of Trustees meeting on 6/13/22 (ID 22-170 “Presentation and Discussion of the Environment and Energy Commission’s Recommendation to Amend the Village Code Regarding Gasoline Powered Leaf Blowers”). Trustees heard the recommendations of the EEC. The Board directed Staff to provide additional information.

Board of Trustees meeting on 11/7/22 (ID 22-288 “Presentation of the Leaf Blower Policy Analysis prepared by Metro Strategies Group”). The Board directed staff to prepare an ordinance.

Citizen Advisory Commission Action

The EEC discussed the issue on July 29, 2021, December 7, 2021, and May 10, 2022. At the May 10, 2022 meeting, the EEC voted to approve a motion to amend the leaf blower ordinance and to identify examples for supporting small businesses during the transition to electric lawn care equipment.

Anticipated Future Actions/Commitments

Conduct a series of focus groups with the landscaping community.

Intergovernmental Cooperation Opportunities

N/A