

RESOLUTION NO. 13-4

**A RESOLUTION OF THE FAIRFAX PLANNING COMMISSION FORWARDING  
PROPOSED CHANGES TO CHAPTER NOISE ORDINANCE, RELATING TO THE  
HOURS AND USE OF POWER**

**WHEREAS**, A resident of Bennet House, with background information, submitted a petition to the Town Council on October 3, 2012, to ban leaf blowers in the Town of Fairfax; and

**WHEREAS**, The Fairfax Town Council, on December 5, 2012, after taking public comments and holding a discussion on this matter, directed Planning Staff (per Town Code) to prepare a draft Resolution of Intention for their (Town Council's) approval directing staff to take this same matter before Planning Commission for a public hearing and/ or preparation of a draft ordinance for Council consideration; and

**WHEREAS**, The Fairfax Town Council, during the Town Council meeting on January 10<sup>th</sup>, 2013, approved Resolution No.13-3 directing the Planning Commission to amend Chapter 8.20, Noise, of the Town Code to regulate the use of leaf blowers and other power equipment if appropriate; and

**WHEREAS**, The Fairfax Planning Commission has determined that it is in the best interests of the citizens of Fairfax to minimize the impacts of any power tools which have the potential to create significant health impacts for the community because they disturb ground-borne particulate matter; and

**WHEREAS**, The Fairfax Planning Commission determined that the use of leaf blowers and other power equipment in the community negatively impacts the quality of life enjoyed by residents through the creation of excessive noise during times when residents are in their homes and/ or on their property;

**WHEREAS**, The Fairfax Planning Commission, has taken public testimony regarding proposed amendments to the Town Code Noise Ordinance regulating leaf blowers and other power equipment on March 21, 2013, April 18, 2013 and again on May 16, 2013; and

**WHEREAS**, The majority of those who spoke at these meetings were in favor of limiting hours of operation of leaf blowers- but not banning them, particularly on weekends;

**WHEREAS**, The Fairfax Planning Staff, during the Planning Commission meeting on May 16<sup>th</sup>, 2013, reviewed the minutes from both, March 21<sup>st</sup>, 2013 and April 18<sup>th</sup>, 2013 meetings and Resolution No. 13-3 adopted by the Town Council on January 10<sup>th</sup>, 2013, and gave direction to staff to prepare a draft Ordinance.

**WHEREAS**, The Fairfax Planning Commission recommended Staff to change operation hours of all power equipment from 8am to 8pm to 8am to 6pm only during weekdays, and from 9am to 8pm to 9am to 4pm only during weekends;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby forwards a draft Ordinance including changes to Chapter 8.20 the Noise Ordinance to the Town Council, with the recommended changes to §8.20.60(C), §8.20.70(D), §8.20.120[3(a), 4(a), (B), (C)] and added a new section §8.20.130 , for review and adoption.

The foregoing resolution was duly introduced and adopted on the 20<sup>th</sup> day of June, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

---

Shelly Hamilton, Chairperson

ATTEST:

---

James M. Moore  
Director of Planning and Building Services