



TOWN OF FAIRFAX

STAFF REPORT

June 1, 2022

TO: Mayor and Town Council

FROM: Sean Youra, Climate Action Coordinator
Janet Coleson, Town Attorney

SUBJECT: Introduce an Ordinance Regulating the Use of Gasoline-Powered Landscape Equipment

RECOMMENDATION

Introduce, waive first reading and read by title only “An Ordinance of the Town Council of the Town of Fairfax Amending Section 1.08.020(A), ‘Violations Designated Infractions’, of Title 1 of the Fairfax Municipal Code and Adding Chapter 8.74, ‘Gasoline Powered Landscape Equipment,’ to Title 8 of the Fairfax Municipal Code”.

BACKGROUND

At its April 6, 2022 meeting, the Town Council directed staff to move forward with drafting an ordinance to prohibit the use of gas-powered landscape equipment and research whether a phase out of certain equipment is required due to a lack of electric alternatives or due to technical feasibility or cost-effectiveness concerns. Additionally, Council requested that research be conducted to determine how a trade-in of gas-powered equipment and rebate program for electric equipment should be administered for the proposed ordinance.

DISCUSSION

Phasing out gas-powered landscape equipment

Climate Action Committee (CAC) members and staff spoke with Augie Venezia, one of the employee owners of Fairfax Lumber & Hardware, and confirmed that electric models (either corded or cordless) for nearly all landscape equipment including leaf blowers, string trimmers, hedge trimmers, mowers, and chainsaws for both commercial and personal use by residents are available. Electric landscape equipment is also available from other local retailers including Jackson’s Hardware and The Home Depot.

The table below shows that based on the research conducted, multiple electric models exist for every type of equipment evaluated. The costs of the cordless battery-operated equipment are comparable to gas-powered models (and are less expensive in some cases), especially when fuel and maintenance costs associated with gas-powered equipment are factored in over the lifetime of the equipment*. Costs of different electric models were obtained from the list of commercial and residential zero-emission lawn equipment brands on the California Air

Resources Board (CARB) website¹. For comparison purposes, the costs of both commercial- and residential-grade gas-powered landscape equipment are shown in the table below. Average costs were obtained from several landscape equipment review websites^{2,3,4,5,6,7}.

Equipment Type	Commercial			Residential		
	Electric Model Exists? (Y/N)	Electric Average Cost	Gas Average Cost	Electric Model Exists? (Y/N)	Electric Average Cost	Gas Average Cost
Leaf blower	Y	\$400	\$350	Y	\$250	\$150
String trimmer	Y	\$300	\$350	Y	\$150	\$200
Hedge trimmer	Y	\$400	\$400	Y	\$180	\$150
Edger	Y	\$300	\$400	Y	\$100	\$200
Pole saw	Y	\$750	\$650	Y	\$300	\$250
Chainsaw	Y	\$450	\$450	Y	\$250	\$350
Mower	Y	\$600	\$500	Y	\$400	\$300
Riding mower	Y	\$6000	\$3500	Y	\$3000	\$2500

*Note: Only cordless electric models were evaluated as they are more comparable to gas-powered models in terms of usability. Some of the equipment evaluated comes with batteries and chargers while others do not.

Additionally, based on user experience feedback from Augie Venezia and his customers, the cordless battery-operated equipment can be more powerful and user-friendly than gas-powered equipment while also being quieter than gas-powered equipment. The battery-operated equipment sold at Fairfax Lumber & Hardware all use the same type of batteries meaning they are interchangeable between equipment and can last several years before needing to be replaced. Several online reviews and testimonials validate these assertions that electric landscape equipment can perform just as well, if not better, than gas-powered equipment for both commercial and residential use^{8,9,10,11}.

Staff also had discussions with some local landscapers to get their input on the proposed ordinance. Most of the time, these landscapers are already using electric landscape equipment

¹ CARB Zero-Emission Lawn Equipment: <https://ww2.arb.ca.gov/our-work/programs/zero-emission-landscaping-equipment/zero-emission-lawn-equipment>

² Gas lawn equipment costs: <https://thelawnreview.com/lawn-care-statistics-costs-2022/>

³ Gas hedge trimmer costs: <https://bestreviews.com/lawn-garden/hedge-trimmers/best-gas-hedge-trimmers>

⁴ Gas string trimmer costs: <https://www.backyardstyle.com/best-gas-string-trimmers/>

⁵ Gas edger costs: <https://www.twohandsproject.org/gas-powered-lawn-edger-commercial>

⁶ Gas pole saw costs: <https://www.gearhungry.com/best-pole-saw/>

⁷ Gas chainsaw costs: <https://topratedchainsaws.com/gas-powered-chainsaw/>

⁸ Battery-powered lawn mower reviews: <https://www.popularmechanics.com/home/tools/reviews/g122/we-test-the-best-battery-powered-lawnmowers/>

⁹ Battery-powered string trimmer reviews: <https://www.popularmechanics.com/home/tools/reviews/g107/electric-string-trimmers-we-test-7-of-the-best/>

¹⁰ Battery-powered chainsaw reviews: <https://www.popularmechanics.com/home/tools/a28522787/battery-powered-chainsaws/>

¹¹ Battery-powered leaf blower reviews: <https://www.popularmechanics.com/home/tools/g2195/best-battery-powered-leaf-blowers/>

unless there isn't a comparable electric model on the market or for particular situations such as landscaping in large remote areas where there are concerns over battery life. To address this latter concern, landscapers often have to carry several extra batteries (~5-6 batteries) to ensure the electric equipment lasts long enough to complete the job.

An inventory of Town-owned landscape equipment was compiled, which currently includes: 6 chainsaws, 2 string trimmers, 1 leaf blower, 1 hedge trimmer, 1 pole saw, 1 commercial mower, and 1 riding mower.

One of the Town-owned string trimmers and the leaf blower have already been replaced with electric models. All of the remaining Town-owned equipment either has an electric model readily available or would be covered under the following exemptions in the ordinance:

- Emergency use situations
- Chainsaws longer than 18" used for large tree work
- If no commercially available or cost-effective electric model (either corded or cordless) exists for the equipment type

In the case of a lack of commercially available or cost-effective electric landscape equipment, temporary exemptions could be approved by the Town Manager or designee that would require sufficient documentation from the user of the equipment that may include, but would not be limited to, a list of equipment suppliers contacted, rationale that a comparable electric model is not available on the market or not available at a commercially reasonable price (documented via cost comparisons of gas vs. electric equipment), and the financial impact on the user if required to comply with the ordinance. Staff recommends limiting temporary exemptions to no longer than two years in duration.

Based on the information gathered, staff recommends that all gas-powered landscape equipment be included within the scope of the ordinance, without a phased approach.

Trade-in and rebate program

Staff recommends setting up a trade-in of gas-powered landscape equipment and rebate program for purchasing new electric landscape equipment to be modeled similarly to how the Town of San Anselmo set up their trade-in and rebate program for gas-powered leaf blowers with some modifications¹.

Rather than have residents and landscapers bring their gas-powered landscape equipment to the Town, they would instead bring the equipment (drained of any liquids) to Fairfax Lumber & Hardware, where a dumpster will be provided by Marin Sanitary Service (MSS). MSS would then collect and properly recycle the equipment. This would avoid extra staff time and administrative oversight for the trade-in part of the program.

Once the gas-powered equipment has been traded in, the resident or landscaper could bring their completed rebate application to Fairfax Lumber & Hardware to receive a discount on the purchase of the equivalent electric (corded or cordless) equipment. The recommended

¹ San Anselmo trade-in and rebate program for leaf blowers: <https://www.townofsananselmo.org/1499/Leaf-Blowers>

discounts for both residents and commercial landscapers for each type of equipment are shown in the table below.

Equipment Type	Residential Discount	Commercial Discount
Leaf blower	50%, not to exceed \$125	70%, not to exceed \$280
String trimmer	50%, not to exceed \$75	70%, not to exceed \$210
Hedge trimmer	30%, not to exceed \$55	50%, not to exceed \$200
Edger	30%, not to exceed \$30	50%, not to exceed \$150
Pole saw	20%, not to exceed \$60	40%, not to exceed \$300
Chainsaw	30%, not to exceed \$75	50%, not to exceed \$225
Mower	40%, not to exceed \$160	60%, not to exceed \$360
Riding Mower	10%, not to exceed \$300	20%, not to exceed \$1200

Additionally, a 50% discount for up to two extra batteries could be provided to commercial landscapers that purchase at least one of the equipment listed in the table above, not to exceed \$500 in total for the batteries. Alternatively, commercial landscapers could receive a 50% discount on a commercial backpack battery, not to exceed \$680.

The rationale for varying discounts for residents and landscapers, as well as for different types of equipment, is based on equity and frequency of usage considerations. Since commercial landscapers would be most directly impacted by the ordinance and are often low-income workers, offering a higher discount for commercial landscapers will make this transition to electric landscape equipment more affordable for them¹. The rebate amount would be in addition to the \$30 million that will be available to landscaping businesses through the California Air Resources Board’s (CARB) Clean Off-Road Equipment Voucher Incentive Project (CORE)². The different discount percentages based on equipment type ensures that more of the rebate money goes towards equipment that is most used by residents and landscapers. Augie Venezia confirmed that leaf blowers and string trimmers are the most often purchased landscape equipment at Fairfax Lumber & Hardware, so the highest discounts have been allocated to those equipment. San Anselmo’s landscape equipment regulation survey also showed that leaf blowers and string trimmers were among the most often used equipment by both landscapers and residents along with lawn mowers. This data is likely comparable for Fairfax residents and landscapers that work in the Town, and is further backed up by the discussions with local landscapers who mostly use leaf blowers, string trimmers, and lawn mowers. These landscapers were also supportive of the idea of a trade-in and rebate program.

The rebates would be limited to two units of equipment per resident and four units of equipment per commercial landscaper. Residential rebate applicants would have to provide a residential utility bill to qualify for the rebate. Commercial landscaper rebate applicants would have to provide an active Fairfax business license to qualify for the rebate. However, exemptions could be provided by the Town Manager or designee on a case-by-case basis for

¹ BLS occupational employment and wage statistics: <https://www.bls.gov/oes/current/oes373011.htm>

²CARB regulation of small off-road engines: <https://ww2.arb.ca.gov/news/carb-approves-updated-regulations-requiring-most-new-small-road-engines-be-zero-emission-2024>

landscapers that do not have a Fairfax business license by providing other supporting documentation that they have customers located in Fairfax.

Staff recommends that \$10,000 be budgeted for FY 2022-23 for the rebate program.

Enforcement and education

The CAC and staff recommend that the ordinance not be enforced until January 1, 2023 for residents and January 1, 2025 for commercial entities, to allow for sufficient time to educate the community about the ordinance and ensure compliance. In addition, this will allow time for commercial landscapers to take advantage of the CARB funding that should be available sometime this year. The January 1, 2023 compliance date would also apply to Town staff using gas-powered landscape equipment.

The CAC would develop informational cards and flyers in English and Spanish, and create social media and Town newsletter content, to educate the community about the ordinance.

Staff recommends complaints regarding violations of the ordinance be taken via the Town’s website. Warning letters would be sent out to the property owner in charge of the landscaping work for a six-month period following the initial enforcement of the ordinance. After this six-month period, either a fine in the amount of \$100 would be issued to the property owner for violation of the ordinance, or the fine could be avoided by taking a short online class that would be administered by staff. The class would cover the environmental and health impacts of gas-powered landscape equipment, the availability and ease of use of electric landscape equipment, and details of the ordinance. However, for a subsequent violation after taking the class, the \$100 fine would be imposed. Escalating fines for subsequent violations are recommended in \$100 increments (e.g., \$100 for first violation, \$200 for second violation, etc.).

FISCAL IMPACT

The fiscal impact to the FY 2022-23 budget would be \$10,000 allocated for the rebate program and another \$27,000 allocated to replace the Town’s gas-powered landscape equipment with electric models. Staff time will also be required to develop and administer the rebate application, as well as for enforcement activities.

ATTACHMENT

Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 1.08.020(A), “VIOLATIONS DESIGNATED INFRACTIONS,”
OF TITLE 1 OF THE FAIRFAX MUNICIPAL CODE AND ADDING CHAPTER 8.74,
“GASOLINE POWERED LANDSCAPE EQUIPMENT,” TO TITLE 8 OF THE FAIRFAX
MUNICIPAL CODE**

WHEREAS, the Town Council for the Town of Fairfax (“Town”) has established a Climate Action Committee, which is charged with creating and implementing the Town’s Climate Action Plan; and

WHEREAS, the Climate Action Plan includes Program R-6, related to Electric Landscape Equipment, and provides that the Town will “Adopt an ordinance to phase out use of all fossil-fuel landscape equipment;” and

WHEREAS, the Town Council seeks to reduce Town greenhouse gas emissions by regulating the use of gasoline-powered landscape equipment; and

WHEREAS, the Town’s Climate Action Committee participated in the development and supports the adoption of this Ordinance to encourage the use of electric landscape equipment to further the Climate Action Plan goals; and

WHEREAS, in addition to the climate based electrification goals, the Town Council is aware that professional landscapers using gas-powered landscape equipment are forced to endure sustained exposure to high amounts of noise and hazardous exhaust; and

WHEREAS, on October 9, 2021, the Governor signed AB 1346 into law, which bans the sale of new gasoline-powered leaf blowers, lawnmowers, chain saws, and generators (among other small off-road engines) beginning January 1, 2024; and

WHEREAS, to support transitions away from gasoline-powered equipment, the State has provided \$30,000,000 of incentives to help small businesses purchase zero-emission replacement equipment in accordance with AB 1346; and

WHEREAS, a number of other localities in Marin County have passed similar ordinances banning gasoline-powered landscape equipment; and

WHEREAS, the Town Council finds that the provisions of this Ordinance are consistent with the goals and policies of the Town’s General Plan, Climate Action Plan, and other adopted ordinances and regulations of the Town; and

WHEREAS, The Town Council now seeks to reduce Town greenhouse gas emissions, ensure compliance with AB 1346, and reduce exposure to high levels of noise and hazardous exhaust by regulating the use of gasoline-powered landscape equipment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

SECTION 1. Subdivision (A) of Section 1.08.020 of Title 1 of the Fairfax Municipal Code, entitled “Violations designated infractions,” is hereby amended in part to add subsection 10 to read as follows:

“ 1.08.020 INFRACTIONS.

(A) *Violations designated infractions.* Any person, firm, partnership, corporation or any other organization or group of persons acting in concert, whether as principal, agent, employee or otherwise, violating or causing the violation of the following chapters and ordinances or any other ordinance so providing, is guilty of an infraction:

...

(10) Chapter 8.74, Gasoline Powered Landscape Equipment.”

SECTION 2. Chapter 8.74, entitled “Gasoline Powered Landscape Equipment,” is hereby added to Title 8 of the Fairfax Municipal Code to read in full as follows:

“CHAPTER 8.74: GASOLINE POWERED LANDSCAPE EQUIPMENT

Section

- 8.74.010 Purpose and Intent.
- 8.74.020 Definitions.
- 8.74.030 Prohibition Against Use of Gasoline Powered Landscape Equipment.
- 8.74.040 Use of Landscape Equipment Generally.
- 8.74.050 Scope and Limitations of Chapter.
- 8.74.060 Enforcement and Penalties.

§ 8.74.010 PURPOSE AND INTENT.

The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, and improve the overall quality of life within the Town of Fairfax.

§ 8.74.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GASOLINE-POWERED. Any item or equipment that is powered by an internal combustion engine that runs on gasoline, diesel, or other volatile fuel.

LANDSCAPE EQUIPMENT. Equipment such as, but not limited to, a lawn mower, leaf blower and/or edger-trimmer used to maintain lawns, gardens, sidewalks and driveways.

LANDSCAPE MAINTENANCE BUSINESS. A business, as that term is defined by Section 5.04.010 of this Code, that performs lawn and yard maintenance such as, but not limited to, cutting grass and removing leaves.

§ 8.74.030 PROHIBITION AGAINST USE OF GASOLINE POWERED LANDSCAPE EQUIPMENT.

(A) Effective January 1, 2023, the use or operation of any gasoline-powered landscape equipment for personal, non-commercial purposes by any resident of the Town, or the use of gasoline-powered landscape equipment by Town staff or contractors on Town property, is expressly prohibited, except as provided in Section 8.74.040.

(B) Effective January 1, 2025, the use or operation of any gasoline-powered landscape equipment for commercial purposes by any landscape maintenance business is expressly prohibited, except as provided in Section 8.74.040.

§ 8.74.040 USE OF LANDSCAPE EQUIPMENT GENERALLY.

(A) Subject to the restrictions of Section 8.74.030, the use of landscape equipment is otherwise permitted within Town limits as follows:

(1) No landscape equipment shall be operated except between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. on weekdays, and between the hours of nine o'clock (9:00) a.m. and four o'clock (4:00) p.m. on weekends and holidays.

(2) Except for emergency use by the Town or its employees, agents, or contractors, the use of landscape equipment within Town limits shall not extend into the public right-of-way, including streets, sidewalks, and planting strips, in order to maintain safe and healthy thoroughfares for pedestrians and cyclists and to promote active transportation in the Town.

(3) Persons operating landscape equipment shall not deposit dirt, dust, leaves, grass clippings, trimmings, solid waste, or debris onto a neighboring property or into streets, gutters, or storm drains.

§ 8.74.050 SCOPE AND LIMITATIONS OF CHAPTER.

- (A) This chapter shall be construed and applied in a manner consistent with all federal and state laws applicable to the Town and shall not apply to any of the following:
 - (1) A department, agency or contractor of the federal government;
 - (2) A department, agency or contractor of the State of California;
 - (3) A local public entity or its contractor; and/or
 - (4) The Town or its employees, agents, or contractors in emergency situations.
- (B) This chapter does not apply to the use of chainsaws with blades or blade attachments longer than eighteen (18) inches.
- (C) In the event that there is a lack of commercially available or cost-comparable electric landscape equipment, the Town Manager or designee may approve a temporary exemption until such electric landscape equipment can be obtained. To claim this exemption, a person seeking to continue to use gasoline-powered landscape equipment that would otherwise be in violation of this chapter must, before using gasoline-powered landscape equipment, submit documentation to the Town Manager or designee that includes a list of equipment suppliers contacted, a price comparison, and a statement of financial hardship rendering that person unable to comply with this chapter, in addition to such other information as the Town Manager or designee may request at their discretion. In no event shall a temporary exemption be granted for a period exceeding two (2) years.

§ 8.74.060 ENFORCEMENT AND PENALTIES.

- (A) The Town Manager or his or her designee has primary responsibility for enforcement of this chapter.
- (B) Any person violating any provisions of this chapter shall be guilty of an infraction for the first, second, and third instances of such violation, which infractions are punishable pursuant to sections 1.08.020, 1.08.040, and 1.08.050 of this Code.
- (C) Any person having been cited for three violations of any provision of this chapter who, within one year thereafter, commits a fourth or any subsequent violation of the same provisions of this chapter may, in the discretion of the Town Attorney, be charged as a misdemeanor punishable pursuant to section 1.08.030 of this Code.
- (D) In addition to those remedies set forth above, the Town Manager or his or her designee may punish any violation of this chapter as a public nuisance, subject to abatement as set forth in chapter 2 of Title 1 of this Code.

- (E) The remedies and penalties provided in this section are cumulative and not exclusive. The Town Attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulations or administrative procedures developed pursuant hereto.”

SECTION 3. Compliance with CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The Town Council finds and determines that the adoption of this Ordinance, which is intended to prohibit the use of gasoline-powered landscape equipment and to encourage the use of electric equipment, is exempt from CEQA pursuant to section 15061 of the Guidelines because it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)). The Town Council hereby directs the Town Manager or designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date and Posting. This Ordinance shall take effect thirty (30) days after its adoption. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park Road.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ___ day of _____, 2022, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Stephanie Hellman, Mayor

Attest:

Michele Gardner, Town Clerk

Date