

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY OF SAN RAFAEL ADDING
CHAPTER 8.40 TO THE SAN RAFAEL MUNICIPAL CODE
ENTITLED “REGULATION OF SMALL OFF-ROAD ENGINES”**

WHEREAS the City Council aims to reduce noise impacts of the use of leaf blowers on neighboring properties by establishing reasonable hours for their use; and

WHEREAS the City of San Rafael’s 2030 Climate Action Plan includes section LCT-C10, titled “Electric Landscape Equipment”, that encourages the reduction of emissions through reducing the usage of small gas-powered engines; and

WHEREAS research by the California Air Resources Board has identified the use of gas-powered small off-road engines, including leaf blowers, as detrimental to the environment as they emit high levels of air pollutants like oxides of nitrogen and other reactive organic gases; and

WHEREAS the City Council seeks to reduce greenhouse emissions by regulating the use of gasoline-powered leaf blowers; and

WHEREAS the State of California recently passed AB1346, that will make the sale of new gas-powered small off-road engines unlawful by 2024;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES
HEREBY ORDAIN AS FOLLOWS:**

**DIVISION 1. ADDING CHAPTER 8.40 “REGULATION OF SMALL OFF-ROAD ENGINES” TO
MUNICIPAL CODE**

A new chapter 8.40 entitled “Regulation of Small Off-Road Engines” is hereby added to the San Rafael Municipal Code to read in its entirety as follows:

8.40.010 Definitions.

The following words and phrases shall, whenever used in this Chapter, be construed as set forth in this section:

“Electrically-powered leaf blower” means any leaf blower, leaf vacuum or other leaf gathering device powered by electric means, including but not limited to battery-powered leaf blowers and cordless rechargeable leaf blowers.

“Gas-powered leaf blower” means any leaf blower, leaf vacuum or other leaf gathering device directly powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.

“Leaf Blower” means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt and/or debris.

“Small off-road engines” includes, but is not limited to, non-electric leaf blowers, or any device that utilizes a gas-powered, spark-ignition engine rated at or below 19 kilowatts (25

horsepower). Engines in this category are used in lawn and garden equipment as well as other outdoor power equipment and specialty vehicles.

8.40.020 Permitted Days and Times for Use of Leaf Blowers.

Effective on and after June 1, 2023, it shall be unlawful for any person to operate or authorize the operation of any and all leaf blowers within city limits except during the following hours:

Property type	Monday to Friday	Weekends and City Holidays
Residential	8:00 a.m. to 5:00 p.m.	10:00 a.m. to 4:00 p.m.
Non-residential	7:30 a.m. to 5:00 p.m.	8:00 a.m. to 5:00 p.m.

This ordinance will not supersede, alter or in any way affect the noise levels of current City of San Rafael noise ordinances. Code § 8.13.040 will continue to govern noise levels, (90) dBA beyond the property plane of the property on which the equipment is being used or the activity is occurring.

8.40.030 Prohibition of Gas-Powered Leaf Blowers.

A. Effective on and after January 1, 2024, it shall be unlawful for any person to operate or authorize the operation of any gas-powered leaf blower within the city limits.

8.40.040 Blowing Debris onto Other Property Prohibited.

All leaves, dirt, or any other debris blown by the use of a leaf blower onto public property or in the public right-of-way must be cleaned up and removed immediately.

8.40.050 Violations a public nuisance; penalties, nuisance abatement, and other remedies.

Any leaf blower operated in violation of the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of this code, or under state law.

DIVISION 2. CEQA DETERMINATION

The adoption of this Ordinance, which is intended to restrict the hours of operation for leaf blowers, prohibit the use of gasoline powered leaf blowers and to encourage the use of electric equipment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 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)).

DIVISION 3: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 4. PUBLICATION; EFFECTIVE DATE.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance

Kate Colin, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance **NUMBER** was introduced at a regular meeting of the City Council of the City of San Rafael on **DATE** and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the **DATE**.

LINDSAY LARA, City Clerk

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