



**Agenda Item No:**

**Meeting Date:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Manager's Office**

**Prepared by: Walter Gonzalez, Intern**

**City Manager Approval: \_\_\_\_\_**

**TOPIC LEAF BLOWER ORDINANCE**

**SUBJECT RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL:**  
**A. UPDATING HOURS OF OPERATION FOR LEAF BLOWERS IN THE CITY OF SAN RAFAEL EFFECTIVE JUNE 1, 2022**  
**B. ESTABLISH REGULATIONS TO PROHIBIT THE USE OF GAS-POWERED LEAF BLOWERS IN THE CITY OF SAN RAFAEL EFFECTIVE JANUARY 1, 2024**

**RECOMMENDATION**

1. Adopt a resolution to update hours of operation for all gas-powered and electric leaf blowers in the City of San Rafael in 2023.
2. Adopt a resolution to ban the operation of gas-powered leaf blowers by 2024.

**BACKGROUND**

California State Assembly Bill 1346 (AB 1346) mandates that by July 2022, the California Air Resources Board will have adopted regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, including leaf blowers. These mandates will effectively ban the sale of gas-powered leaf blowers statewide and apply to all new small off-road engines on or after January 1, 2024.

Local community members have advocated for additional regulations on the use and operability of leaf blowers in the City of San Rafael. Community members want to restrict leaf blower usage to specific business hours due to the noise emitted and have requested a ban on the operation of gas-powered leaf blowers due to adverse environmental impacts. A ban on gas-powered leaf blowers will further the City's efforts to achieve its 2030 Climate Change Action Plan, as it will specifically address goal LCT-C10: Electric Landscape Equipment, which calls for the reduction of emissions by reducing the usage of small gas-powered engines. Banning gas-powered leaf blowers will also help the City comply with AB 1346 before the state-mandated deadline of January 2024.

**ANALYSIS**

Gas-powered leaf blowers have detrimental effects on the environment. The California Air Resources Board found that hydrocarbon emissions from a one-half hour of leaf blower operation equal about 7,700 miles of driving, at 30 miles per hour average speed. Half an hour of leaf blower

usage for carbon monoxide would be equivalent to about 440 miles of automobile travel at 30 miles per hour.<sup>1</sup> As the State of California has legislated to ban the sale of small gas-powered engines and leaf blowers by 2024, various other municipalities have adopted similar or more restrictive bans against gas-powered leaf blowers to expedite their restriction and minimize further environmental damage.

In Marin County, six out of eleven municipalities have banned or partially banned gas-powered leaf blowers (attachment A). Some municipalities offer exceptions to the gas ban related to size and property type. San Rafael is in the minority of jurisdictions that solely regulate leaf blowers through a general noise ordinance.

To assess the impact of the proposed ordinance on local businesses, Staff surveyed gardening and landscaping businesses registered with the City of San Rafael in English and Spanish. Staff sent a detailed survey to all the registered gardening and landscaping businesses that provided an email, of which 60 out of the 88 registered provided an email address. Out of 60 local businesses surveyed, 23 responded.

Staff found that 75% (15) of the respondents already owned at least one electric-powered leaf blower. The 25% (5) of businesses that do not own an electric-powered leaf blower are firmly in favor of keeping the gas option available. Surveyed businesses cited short battery life and loss of efficiency, especially at larger properties, as reasons why gas-powered leaf blowers are preferred.

Businesses also provided Staff with time frames they operate leaf blowers on to ensure that a change in hours of operation does not negatively impact their operations. Over 70% (14) of surveyed businesses start operating leaf blowers at 8:00 a.m., and 95% (19) end at or before 5:00 p.m. No business reported starting earlier than 8:00 a.m., and most businesses reported that they stopped utilizing leaf blowers at or before 4:00 p.m.; however, a sizeable minority of 25% reported that they used leaf blowers till 5:00 p.m.

Staff also consulted with the Department of Public Works (DPW) to ensure a policy change would not negatively affect DPW's operations. DPW requested an earlier start time to operate leaf blowers in non-residential areas, specifically Downtown, to ensure their workflow is not interrupted.

### **Financial Assistance**

City staff does not recommend that the City provide financial assistance to businesses to change to electric-powered leaf blowers. Electric-powered leaf blowers cost significantly less in recent years due to advances in technology. As a result of these price decreases, price points are similar or even less for an electric leaf blower than a gas-powered engine. In addition, the proposed gas-powered leaf blower ban will closely coincide with the release of statewide funding available to implement AB 1346, which will provide vouchers to businesses to aid in the transition to electric-powered equipment for small engine devices, including leaf blowers. The State is currently researching this voucher program through the California Air Resources Board (CARB), which is expected to provide rebate opportunities to the public by 2024. Therefore, Staff does not recommend that the City provide financial assistance.

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<sup>1</sup> *California Air Resources Board*. Health and Environmental Impacts of Leaf Blowers | California Air Resources Board. (n.d.). Retrieved April 26, 2022, from <https://ww2.arb.ca.gov/resources/documents/health-and-environmental-impacts-leaf-blowers>

**Proposed Leaf Blower Ordinance:**

The operation of leaf blowers in San Rafael is regulated through the City’s general noise ordinance for residential equipment § 8.13.040. This limits the operability between 8:00 a.m. – 8.00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends. The proposed ordinance would curtail these hours based on business feedback and implement them in two phases. Phase One will address after-hours noise complaints by establishing a schedule to operate leaf blowers. Phase Two will address the pollution impacts by banning the use of gas-powered leaf blowers by January 1, 2024.

Fines for violating the ordinance would replicate a standard code violation, consistent with other Marin municipalities’ leaf blower ordinance violation fines. Fines will be levied as a warning for the first, second, and third offenses. The fourth warning shall come in the form of an administrative fine that could be void if the homeowner can show proof of correction of the equipment violation by purchasing an electric-powered leaf blower via a receipt. Violation fines will be placed on the homeowner, and not levied to businesses or individuals in employ of a property owner.

<p><b>Phase One:</b></p> <p><i>January 2023 – December 2023</i></p>	<p><b><u>Proposed Hours of Operation:</u></b></p> <p><b>Leaf blowers in residential properties may operate:</b>  Monday to Friday: 8:00 a.m. – 5:00 p.m.  Saturday to Sunday and City Holidays: 10:00 a.m. – 4:00 p.m.</p> <p><b>Leaf blowers in non-residential properties may operate:</b>  Monday to Friday: 7:30 a.m. – 5:00 p.m.  Saturday to Sunday and City Holidays: 8:00 a.m. – 5:00 p.m.</p> <p><b><u>New Regulation:</u> It is illegal to blow debris over to other private property, storm drain systems, and public right of way.</b></p>
<p><b>Phase Two:</b></p> <p><i>January 2024 – onward</i></p>	<p><b><u>New Regulation:</u> Ban the usage of gas-powered leaf blowers.</b></p>
<p><b>Penalty:</b> Standard code violation, similar to Code infraction (ex \$250 for first-time offense)</p>	

**Phase I: January 2023**

In Phase I, hours of operation for leaf blowers in residential properties would be set to Monday to Friday from 8:00 a.m. to 5:00 p.m., Saturday to Sunday, and City Holidays from 10:00 a.m. to 4:00 p.m. Hours of operation for non-residential properties would be set to Monday to Friday from 7:30 a.m. to 5:00 p.m., Saturday to Sunday and City Holidays from 8:00 a.m. to 5:00 p.m.

This change would not supersede other active noise ordinances; § 8.13.040 will continue to govern noise levels for all leaf blowers, which restricts any noise level not to exceed ninety (90) dBA beyond the property plane of the property on which the equipment is being used, or the activity is occurring.

Phase I will also restrict debris from being blown into other private or public property, storm drain systems, and public right of way.

Phase II: January 2024

In Phase II, Staff recommends a phased approach to ban gas leaf blowers. In Phase I, City staff will push a robust community engagement strategy to inform residents of the policy change. Phase II will begin on January 1, 2024, and will ban the operation of all gas-powered leaf blowers in the City. No exceptions are to be granted. The City's ban coincides with AB 1346's implementation date, the State's ban on selling small gas-powered small off-road engines, including leaf blowers. In addition, residents and businesses who operate gas-powered leaf blowers that require aid in updating equipment can receive funds through the State's rebate program managed by the California Air Resources Board.

**FISCAL IMPACT**

There is minimal financial impact associated with this item. The Department of Public Works (DPW) will need to purchase electric powered leaf blowers, which will cost an estimated \$36,000. DPW has requested funds for leaf blower replacements in the FY 2022-2023 General Fund - Park Maintenance program budget.

**OPTIONS**

1. Adopt a resolution that sets leaf blowers' operation hours to business hours and bans the blowing of debris into private property, public property, and the public drain system effective on January 1, 2023.

Adopt a resolution approving the ban of gas-powered leaf blowers, effective on January 1, 2024.

2. Do not adopt either resolution at this time and direct Staff to come back with more information.

**ATTACHMENTS**

Attachment A: Leaf blower regulations in Marin County  
Attachment B: Leaf Blower Ordinance

**Attachment A:** Leaf blower regulations in Marin County

<b>Municipality</b>	<b>Gas Ban</b>	<b>Starting time</b>	<b>End time</b>
Belvedere	Gas ban	7:00 a.m.	Sun-T: 9 p.m. F-Sat: 11 p.m.
Corte Madera	Gas ban	M-F: 9:00 a.m. Saturday: 10:00 a.m. Sunday: Not permitted	M-F: 5:00 p.m. Saturday: 4:00 p.m. Sunday: Not permitted
Fairfax	No gas ban	M-F: 8:00 a.m. Sat-Sun: 9:00 a.m.	M-F: 6:00 p.m. Sat-Sun: 4:00 p.m.
Larkspur	Partial gas ban	M-F: 9:00 a.m. Saturday: 10:00 a.m. Sunday: Not permitted	M-F: 5:00 p.m. Saturday: 4:00 p.m. Sunday: Not permitted
Mill Valley	Gas ban	7:00 a.m.	M-F: 5:00 p.m. Sat-Sun: 9:00 p.m.
Novato	No gas ban	M-F: 8:00 a.m. Sunday: 9:00 a.m.	6:00 p.m.
Ross	Partial gas ban	M-F: 8:00 a.m. Sat: 9:00 a.m. Sun: Not permitted	M-F: 5:00 Sat: 4:00 p.m. Sun: Not permitted
San Anselmo	No gas ban	M, Th, Sat: 10:00 a.m.	M, Th, Sat: 4:00 p.m.
San Rafael	No gas ban	M-F: 8:00 a.m. Sat-Sun: 9:00 a.m.	M-F: 8:00 p.m. Sat-Sun: 6:00 p.m.
Sausalito	No gas ban	M-F: 8:00 a.m. Saturday: 9:00 a.m. Sunday: 9:00 am (w/ res	M-F: 6:00 p.m. Saturday: 5:00 p.m. Sunday: 6:00 pm (w/ rest.)
Tiburon	Partial gas ban	9:00 a.m.	4:00 p.m.

**Leaf Blower Restrictions in Marin County** as of September 7, 2021.