

Agenda Item 4.d

ORDINANCE NO. 2014

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 from the use of leaf blowers within city limits 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 prohibiting the operation of gasoline-powered leaf blowers; and

WHEREAS the City Council seeks to reduce the waste caused by the depositing of debris from the use of leaf blowers onto other neighboring properties or the public right-of-way; and

WHEREAS the State of California recently passed AB 1346, that requires the California Air Resources Board to adopt regulations to restrict the sale of new gas-powered small off-road engines, including gas-powered leaf blowers, in order to prohibit engine exhaust and evaporative emissions from these engines, which is intended to be implemented by January 1, 2024; and

WHEREAS, the City Council desires to regulate the operation of leaf blowers by the adoption of such an ordinance.

BE IT ORDAINED by the City of San Rafael as follows:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Chapter 8.40 (Regulation of Small Off-Road Engines) is added to Title 8 (Morals and Conduct) of the San Rafael Municipal Code as set forth below.

8.40 – REGULATION OF SMALL OFF-ROAD ENGINES

8.40.010 Purpose.

The purpose of this chapter is to establish restrictions on the operation of small off-road engines, including leaf blowers, within city limits to protect the peace, health, safety and general welfare of the public from excessive, unnecessary and unreasonable noises and pollutant and other emissions from small off-road engines. The provisions of this chapter and the remedies contained in this code shall be cumulative and are not intended to replace any otherwise available remedies for public or private nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the city's environmental review process for discretionary permit approvals, nor is

it intended to limit more strict noise control requirements for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels that are not detrimental to the health and welfare of the public.

8.40.020 Definitions.

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

- a. "Electrically-powered leaf blower" means any leaf blower powered by electric means, including but not limited to battery-powered leaf blowers and cordless rechargeable leaf blowers.
- b. "Gas-powered leaf blower" means any leaf blower directly powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.
- c. "Holidays" shall have the same meaning as provided in Chapter 8.13 of the San Rafael Municipal Code.
- d. "Leaf blower" means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt and/or debris.
- e. "Small off-road engines" means any device that utilizes a gas-powered, spark-ignition engine rated at or below 19 kilowatts (25 horsepower), including but not limited to a leaf blower. Engines in this category are used in lawn and garden equipment as well as other outdoor power equipment and specialty vehicles.

8.40.030 Permitted days and times for operation of leaf blowers.

Effective October 1, 2022, it shall be unlawful for any person to operate or authorize, permit, or direct another who engages in the operation of any leaf blower within city limits except during the following hours:

Property type	Monday to Friday	Weekends and 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 does not supersede, alter or in any way affect the noise levels of current city noise ordinances.

8.40.040 Prohibition of gas-powered leaf blowers.

Effective October 1, 2022, it shall be unlawful for any person to operate or authorize, permit, or direct another who engages in the operation of any gas-powered leaf blower within city limits.

8.40.050 Use of leaf blowers.

No person may deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris onto a neighboring property or into streets, gutters, or storm drains within city limits.

8.40.060 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.

Section 3. Environmental Review.

The City Council finds and determines that enactment of this Ordinance, which is intended to restrict the hours of operation for leaf blowers and prohibit the use of gasoline powered leaf blowers 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)).

Section 4. 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.

Section 5. 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 No. 2014 was introduced at a regular meeting of the City Council of the City of San Rafael on the 18th day of July 2022 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Hill, Kertz & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey & Llorens Gulati

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 1st day of August 2022.



LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2014

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”

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2014. This ordinance will limit the hours of operation of leaf blowers within city limits, make it illegal to deposit debris on adjacent private and public property, and ban the use of gas-powered leaf blowers within the City beginning October 1, 2022. Ordinance No. 2014 is scheduled for adoption by the San Rafael City Council at its regular meeting on August 1, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF ORDINANCE

Ordinance No. 2014 adds Chapter 8.40, “Regulation of Small Off-Road Engines” to Title 8, Morals and Conduct of the San Rafael Municipal Code. This new chapter will set up standards to regulate use of leaf blowers within city limits. Operation of a leaf blower on any residential property will only be permitted Monday to Friday 8:00 a.m. to 5:00 p.m., and Saturday to Sunday, and holidays 10:00 a.m. to 4:00 p.m. Operation of a leaf blower on any non-residential property will only be permitted Monday to Friday 7:30 a.m. to 5:00 p.m., and Saturday to Sunday and holidays 8:00 a.m. to 5:00 p.m. The ordinance will also make it illegal for a person to deposit dirt, solid waste, and debris onto neighboring public and private property. In addition, the ordinance will further the city’s 2030 Climate Plan by banning the use of gas-powered leaf blowers within city limits. The restrictions on use of leaf blowers will take effect October 1, 2022.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or Lindsay.lara@cityofsanrafael.org. Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to city.clerk@cityofsanrafael.org.

/s/ Lindsay Lara
LINDSAY LARA
San Rafael City Clerk
Dated: 07/20/2022