



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Manager’s Office**

**Prepared by: Walter Gonzalez, Management Analyst**

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

**TOPIC LEAF BLOWER ORDINANCE**

**SUBJECT 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”, RELATED TO REGULATING THE OPERATION OF LEAF BLOWERS**

**RECOMMENDATION**

Pass to print an Ordinance of the City of San Rafael adding Chapter 8.40 “Regulation of Small Off-Road Engines” to the San Rafael Municipal Code related to regulating the operation of leaf blowers.

**BACKGROUND**

California State Assembly Bill 1346 (AB 1346) mandates that by July 1, 2022, the California Air Resources Board (CARB) adopt regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, which includes leaf blowers and other gardening equipment. As written, AB 1346 infers that CARB will restrict the sale of gas-powered garden equipment, including leaf blowers statewide, produced on or after January 1, 2024. In December 2021, CARB commenced a Small Off-Road Engines (SORE) rulemaking process that is consistent with AB 1346 requirements. Currently, CARB’s SORE rulemaking package provides a path for the transition of SORE equipment to zero-emission equipment beginning with model year 2024.

Local community members have advocated for additional regulations on the use and operability of leaf blowers in the City of San Rafael. Staff has received input to restrict leaf blower usage to specific business hours due to the noise emitted and to ban 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 the use of gas-powered leaf blowers in the City aligns with the State’s zero-emission policy adopted by AB 1346.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**ANALYSIS**

Gas-powered leaf blowers have detrimental effects on the environment. The CARB 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 moved towards legislating to restrict the sale of small gas-powered engines on or after 2024, as inferred by AB 1346, various other municipalities have adopted similar or more restrictive bans of gas-powered leaf blowers.

In Marin County, seven out of eleven municipalities have banned or partially banned the operation of 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 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 City staff with time frames they operate leaf blowers. 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 until 5:00 p.m.

Through an online form, staff invited residents to provide their thoughts on a proposed policy change to regulate leaf blowers. Staff circulated the request for community feedback on the City's social media platforms. Staff received over 55 responses from residents and found that 93% of respondents supported a ban on gas-powered leaf blowers, and 46% of respondents urged the City to start the ban as soon as possible.

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.

On July 5<sup>th</sup>, 2022, staff requested direction from the City Council on setting the hours of operation, and when to begin the ban on the operation of gas-powered leaf blowers within city limits. The

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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>.

City Council provided feedback which was generally consistent with staff recommendations regarding hours of operation and the start date for the ban on gas-powered leaf blowers.

**Financial Assistance**

The state's AB 1346 requires CARB to identify and make available funding for a commercial rebate or a similar incentive to local air districts to support the transition to zero-emission small off-road equipment. The 2021-2022 Budget Act included \$30 million for CARB to assist small business landscapers to transition to zero-emission equipment. CARB staff estimates funding will be available to the public by late Summer or early Fall of 2022.

At the City Council meeting of July 5, 2022, staff also sought City Council input on the need for a rebate program and staff recommended not moving forward with a rebate program due to reasons such as: funds will be available through CARB, the cost of electric leaf blowers has decreased considerably over time, and the staff time impact of running the rebate program given other higher priorities. After considering staff's recommendation, the City Council input at the July 5<sup>th</sup> meeting indicated an interest in staff operating a rebate program.

While staff continues to feel a rebate program is not essential to a ban on gas-powered leaf blowers, the input from the City Council indicated support for a limited program. Should the City Council continue to desire such a program at this time, the staff would develop a financial assistance program to assist landscape businesses operating within the City with the transition to electric-powered leaf blowers. The fund would be a one-time expenditure not to exceed \$10,000. While the program is still in development, staff anticipates that businesses who purchase an electric-powered leaf blower to replace a gas-powered leaf blower will receive a one-time rebate of \$125. The funds will be given on a first come, first served basis and the program will end once the funds run out or after three months' time, whichever comes first.

Staff would develop the details of the rebate program, given the above general parameters, within the City Manager's existing programmatic authority and would put the program in place without further City Council action. In other words, it would not be necessary for the City Council to pass a resolution establishing or authorizing the rebate program, as it could happen within the City Manager's existing programmatic authority.

**Proposed Leaf Blower Ordinance:**

The operation of leaf blowers in San Rafael is now regulated through the City's general noise ordinance, at San Rafael Municipal Code § 8.13.040, for operation of residential power equipment. This regulation restricts the operation of noise-producing machines on any residential property between the hours of 8:00 a.m. – 8.00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends and holidays.

The proposed ordinance would be effective starting October 1<sup>st</sup>, 2022, which will address after-hours use restrictions by establishing time limitations on the operation of leaf blowers and address the pollution impacts by banning the use of gas-powered leaf blowers.

Violation of the ordinance would constitute a public nuisance and be subject to the penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of the San Rafael Municipal Code. This code enforcement provision is consistent with other Marin municipalities' leaf blower ordinances. Likely enforcement would proceed first with administrative citations, which would be levied as allowed by the municipal code (SRMC Chapter 1.44). That is, first a pre-citation notice

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would be issued and then citations escalating for the first, second, and third and further offenses. However, the City could pursue any enforcement mechanism provided for in the SRMC.

<b>October 1<sup>st</sup>, 2022</b>	<b>Leaf blowers in <u>residential properties</u> may operate only during:</b> Monday to Friday: 8:00 a.m. – 5:00 p.m. Saturday to Sunday and Holidays: 10:00 a.m. – 4:00 p.m.
<i>Set hours of operation for leaf blowers</i>	<b>Leaf blowers in <u>non-residential properties</u> may operate only during:</b> Monday to Friday: 7:30 a.m. – 5:00 p.m. Saturday to Sunday and Holidays: 8:00 a.m. – 5:00 p.m.
<i>Debris regulation</i>	It shall be unlawful for any person to deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris, or authorize, permit, or direct another who engages in such activities, onto a neighboring property or into streets, gutters, or storm drains within city limits.
<i>Ban the operation of gas-powered leaf blowers</i>	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 the city limits.
<b>Penalty:</b> Penalties and remedies available to the city under chapters 1.40, 1.42, 1.44, or 1.46 of the San Rafael Municipal Code	

### Limiting the hours of operation

Operation of a leaf blower on any residential property would be permitted Monday to Friday from 8:00 a.m. to 5:00 p.m., and Saturday to Sunday, and holidays (defined at SRMC § 8.13.020) from 10:00 a.m. to 4:00 p.m. Operation of a leaf blower on any non-residential property would be allowed Monday to Friday from 7:30 a.m. to 5:00 p.m., and Saturday to Sunday and holidays from 8:00 a.m. to 5:00 p.m.

These restrictions on leaf blower operations would be in addition to and not replace existing City noise ordinances. For example, SRMC § 8.13.040 will continue to govern noise levels for operation of residential power equipment by residential property owners, which prohibits the production of noise levels that exceeds ninety (90) dBA beyond the property plane of the property on which the equipment is being used, or the activity is occurring.

### Use of leaf blowers: Debris

The debris regulations would prohibit a person from blowing debris onto other private or public property, storm drain systems, and public right of way.

### Banning the operation of gas leaf blowers

The City would ban the operation of all gas-powered leaf blowers. No exceptions are to be granted. Businesses who operate gas-powered leaf blowers that require aid in updating equipment may receive funds through the State's rebate program managed by CARB.

City staff will push a robust community engagement strategy to inform residents of the regulatory change.

**FISCAL IMPACT**

There is minimal financial impact associated with this item. The Department of Public Works (DPW) will purchase electric powered leaf blowers, which will cost an estimated \$36,000. These appropriations are already incorporated in the approved FY 2022-23 General Fund - Park Maintenance program budget.

**OPTIONS**

1. Pass the ordinance to print,
2. Do not approve the ordinance, and direct staff to return with additional information or changes to the ordinance.

**RECOMMENDED ACTION**

Pass to print an Ordinance of the City of San Rafael adding Chapter 8.40 "Regulation of Small Off-Road Engines" to the San Rafael Municipal Code related to regulating the operation of leaf blowers.

**ATTACHMENTS**

Attachment A: Summary of Leaf Blower Regulations in Marin County  
Attachment B: Ordinance

**Attachment A: Summary of Leaf Blower Regulations in Marin County**

<b>Municipality</b>	<b>Type of ban</b>	<b>Residential time permitted</b>	<b>Non-residential time permitted*</b>
Belvedere	Gas ban	Sun- Thu 7 a.m.to 9 p.m. F-Sat: 7 a.m. to 11 p.m.	Sun- Thu 7 a.m.to 9 p.m. F-Sat: 7 a.m. to 11 p.m.
Corte Madera	Gas ban	M-F: 9 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted	M-F: 7 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted
Larkspur	Partial gas ban	M-F: 9 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted	M-F: 7 a.m. – 5 p.m. Saturday: 10 a.m. – 4 a.m. Sunday: Not permitted
Mill Valley**	Gas ban	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m..
Novato	Ordinance limits hours of operation, no gas ban	M-S: 8 a.m. to 6 p.m. Sunday: 9:00 a.m. to 6 p.m.	M-S: 8 a.m. to 6 p.m. Sunday: 9:00 a.m. to 6 p.m.
Ross	Partial gas ban	M-F: 8 a.m.- 5 p.m. Sat: Not permitted Sun: Not permitted	M-F: 8 a.m.- 5 p.m. Sat: Not permitted Sun: Not permitted
San Anselmo	Gas ban	M, Th, Sat: 1 p.m. – 4 p.m.	M, Th, Sat: 1 p.m. – 4 p.m.
Tiburon	Partial gas ban	M-Sun 9 a.m. – 4 p.m.	M-F 9 a.m. – 4 p.m. Sat-Sun : Not permitted

**Leaf Blower Restrictions in Marin County, last updated Spring 2022**

\*Some jurisdictions may consider multifamily dwellings as a non-residential property.

\*\* Noise levels dictate the times they are allowed, for reference, we included the higher noise levels on this chart

**ORDINANCE NO.**

**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:

<b>Property type</b>	<b>Monday to Friday</b>	<b>Weekends and Holidays</b>
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 **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