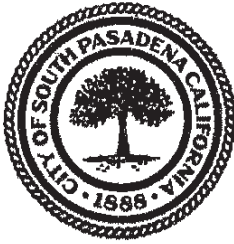


ATTACHMENT D
CITY OF SOUTH PASADENA AGENDA REPORT/ORDINANCE TO PROHIBIT THE
USE OF GAS-POWERED LEAF BLOWERS



City Council Agenda Report

ITEM NO. 19

DATE: August 18, 2021

FROM: Arminé Chaparyan, City Manager *AC*

PREPARED BY: Shahid Abbas, Public Works Director
Ted Gerber, Deputy Public Works Director
Arpy Kasparian, Water Conservation & Sustainability Analyst

SUBJECT: **First Reading and Introduction of an Ordinance, Amending Chapter 19A (Noise Regulation) and Chapter 1 (General Provisions) of the South Pasadena Municipal Code to Prohibit the Use of Gas-Powered Leaf Blowers**

Recommendation

It is recommended that the City Council:

1. Read by title only for first reading, waiving further reading, and introduce an ordinance to amend Chapter 19A and Chapter 1 of the South Pasadena Municipal Code (SPMC) to prohibit the use of gas-powered leaf blowers within the City of South Pasadena.
2. Appropriate \$25,000 in General Fund Undesignated Reserves to Public Works Environmental Services Account Numbers 101-6010-6015-8010-000 (Postage \$5,800), 101-6010-6015-8040-000 (Advertising \$3,000), and 101-6010-6015-8050-000 (Printing/Duplicating \$16,200) for a robust outreach program.

Executive Summary

On July 7, 2021, the City Council conducted a first reading and introduced a previous version of this ordinance. Issues were raised by the Council and public, which are discussed in this report. In addition, per the Council's direction, staff has conducted comprehensive research and analysis, summarized in this report. This includes a matrix of information gathered from other cities' ordinances and other implementation resources, the history of gas-powered leaf blower regulation in South Pasadena, an outline of the planned outreach program, and a revised ordinance developed from the review of all these components.

Commission Review and Recommendation

The staff presented the initial draft ordinance to the Natural Resources and Environmental Commission (NREC) at its May 25, 2021 meeting. The NREC proposed an amendment to the draft language emphasizing that property owners or tenants will be responsible for violations of this ordinance, as opposed to gardeners and landscapers originally included in the draft. The NREC also highlighted the importance of a comprehensive outreach program to encourage compliance with the ordinance prior to the October 1, 2022 implementation date, and reduce the

need for post-implementation enforcement. The Commission unanimously approved the amendment and recommended that the City Council adopt the proposed ordinance.

Background

South Pasadena's current municipal code places restrictions on the use of gas-powered leaf blowers, requiring equipment operated in the City to be approved by the California Air Resources Board (CARB). This restriction was imposed in 2010 in response to a growing concern for the detrimental health effects of gas-powered leaf blowers. South Pasadena had previously banned gas-powered leaf blowers in 1991, however, the ban was repealed in 2004 in order to promote consistency with other lawn equipment, and also due to several difficulties concerning the enforcement program. A detailed chronology of the gas-powered leaf blower regulation in South Pasadena is included in Attachment 3.

In 2016, the City of South Pasadena worked with American Green Zone Alliance (AGZA) to become a certified Green Zone City, where all grounds maintenance on municipal properties including all public parks and the golf course, are serviced exclusively with low-noise, zero-emission, electric machinery. This conversion to electric equipment resulted in profound environmental remediation benefits including the reduction of pollutants such as carbon dioxide, particulate matter, hydrocarbons, etc. totaling 59 tons per year. In addition, electric equipment was 40-70% quieter, which instantly improved the quality of life in South Pasadena.

After the ordinance's consideration in the NREC, on July 7, 2021, the City Council introduced an ordinance. The Council directed staff to address the following issues:

1. Clarify language in the ordinance to ensure that residential and multi-family tenants are not held responsible for the authorization of gas-powered leaf blower use by the property owner. (Amendment to 19A.12.4(a) & (b))
2. Clarify the allocation of responsibility with regard to a property owner or a residential/commercial tenant. (Amendment to 19A.12.4(a) & (b))
3. Conduct further research on how other cities have implemented and enforced similar bans and provide a matrix to summarize these issues. (Attachment 4)
4. Simplify the standard by which gas-powered leaf blowers are prohibited, considering the complexity required for decibel measurement. (Amendment to 19A.12.4(b))
5. Remove criminalization from the enforcement structure and implement civil enforcement, where violators are not cited for misdemeanors by the Police Department, and instead violators who have authorized the usage of prohibited equipment are issued citations with a simple and clear penalty structure. (Amendment to 1.7A)
6. Provide options regarding the party responsible for compliance, identifying the property owner, or the gardener/landscaper, or both the property owner and the gardener/landscaper to be subject to enforcement and penalties. (Amendment to 19A.12.4(b))

First Reading of Ordinance Amending SPMC Ch.19A and Ch. 1 to Prohibit Gas-Powered Leaf Blowers

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7. Provide information regarding the implementation of enforcement by the City and how the enforcement language can be simplified in the ordinance. (Staff report).
8. Re-evaluate the timeline of the effective date of the ordinance and implementation of enforcement. (Amendment to 19A.12.4(a) & (b))

The following table shows the specific changes implemented as a result of the issues listed above:

Issue & SPMC Code Section	July 7, 2021 Proposed Ordinance	August 18, 2021 Revised Proposed Ordinance
Enforcement as Misdemeanor 1.7A	Allowed enforcement as misdemeanor after first offense under SPMC 1.7. Did not include changes to SPMC Chapter 1 (General Provisions) regarding misdemeanors and authority of the chief of police to enforce violations.	Removes violations of 19A.12.3 Power yard maintenance equipment and 19A.12.4 Leaf blowers - Regulation of use as violations that can charges as misdemeanors for second and subsequent offenses.
Definition of leaf blower 19A.12.1(a)	Clarifies the definition of a leaf blower to include both those powered by a gasoline engine or an electric motor.	No changes from the July 7, 2021 proposed ordinance.
Gas-powered leaf blowers prohibited, (effective Oct. 1, 2022) 19A.12.4(a)	Prohibits any property owner (including the city) or tenant or any employee, agent, or contractor working for a property owner or tenant to operate or authorize the operation of a gas-powered leaf blower at any time for any purpose. This replaces the current prohibition on gas-powered leaf blowers that are not approved by the California Air Resources Board (CARB).	No changes from the July 7, 2021 proposed ordinance. Added clarification that CARB approved gas-powered leaf blowers allowed until the gas-powered ban takes effect on October 1, 2022.

Issue & SPMC Code Section	July 7, 2021 Proposed Ordinance	August 18, 2021 Revised Proposed Ordinance
Responsibility 19A.12.4(a)	Property owner or tenant of the property responsible for violations of the ordinance.	Adds language that clarifies violations are the responsibility of the property owner or tenant which authorized the use of a gas-powered leaf blower.
Noise Standard 19A.12.4(b) & 19A.12.4(j)	Prohibits any property owner (including the city) or tenant or any employee, agent, or contractor working for a property owner or tenant to operate or authorize the operation of an <u>electrically powered leaf blower</u> at any time that does not comply with the SPMC Section 19A.12 sound standard, defined as 5 decibels above an ambient noise level measured at the property line.	<p>Adds a new maximum sound standard applied to any leaf blower of 65 decibels measured from 50 feet away.</p> <p>Removes the reference to 5 dB above-ambient-noise standard for electrically powered leaf blowers as the specific standard for leaf blowers.</p> <p>Adds a statement that requires placement of a CARB decal on gas-powered leaf blowers until the gas-powered ban takes effect on October 1, 2022.</p>
Emergency Exception 19A.12.4(c)	Exempts usage of any leaf blowers utilized by emergency responders for the purpose of responding to an emergency, or necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm, or clear large downed trees for the safety of the public.	Removes the word “large” for downed trees needing removal.

Issue & SPMC Code Section	July 7, 2021 Proposed Ordinance	August 18, 2021 Revised Proposed Ordinance
Community Outreach 19A.12.4(d)	Specifies the outreach effort that will occur over the one-year grace period before the October 1, 2022 effective date.	Retains the October 1, 2022 effective date, but removes the "one-year" phrase. Adds additional components to the outreach effort including letters, door hangers, and updates to the City webpage, and clarifies that all listed outreach components may be included, and are not limited to those listed.
Dust Control 19A.12.4(e)	Prohibits operation of a leaf blower in a manner that directs dust and debris onto any neighboring parcel or public street.	Adds storm drain and public property to the prohibition.
Fine 19A.12.5	Designates a \$50 fine per violation and refers to Chapter 1 enforcement (see first row in this table).	Authorizes the city manager or his/her designee to enforce the ordinance, and designates the following enforcement structure: 1. First violation: written warning notice 2. Second violation: a fine not exceeding one hundred dollars (\$100.00) 3. Third violation: a fine not exceeding two hundred dollars (\$200.00) 4. Fourth violation and any subsequent violation: a fine not exceeding five hundred dollars (\$500.00)

City staff are again introducing an ordinance banning gas-powered leaf blowers for Council's consideration. With the incorporation of updated language in the revised ordinance, the numerous options for alternative electric equipment, the City's existing and planned outreach efforts, and available funding resources including the Air Quality Management District's

(AQMD) Lawn and Garden Equipment Program, the City hopes to transition from use of gas-powered leaf blowers once and for all.

Discussion/Analysis

Comparable City Bans

Over 200 cities in the United States have enacted bans or restrictions on gas-powered leaf blowers. Many of those cities, including West Hollywood, Berkeley, Beverly Hills, Claremont, and Santa Monica, have completely banned the use of gas-powered leaf blowers. Per the City Council's direction during the July 7, 2021 City Council meeting, City staff have prepared a matrix (Attachment 4) summarizing research collected from other cities and their leaf blower restriction implementation and enforcement. California Cities were selected to provide Council a variety of ordinance and enforcement implementation methodologies to review. The research incorporates seven cities, including several listed above, and provides information on the compliance standard utilized, the party responsible for compliance, the enforcement program implemented, and the implementation timeline.

Environmental and Health Risks

Emissions from gas-powered lawn equipment, such as leaf blowers, are a significant source of air pollution in our community and can have severe impacts on the health of gardeners and landscape workers. According to the CARB, total emissions in the state from small off-road engines (SORE), such as those used to power gas-powered lawn mowers, trimmers, and leaf blowers, exceed those from today's passenger cars. Harmful toxic pollutants from lawn and garden equipment include the greenhouse gases carbon dioxide and nitrous oxides, further contributing to climate change. SOREs create high levels of formaldehyde, benzene, and fine particulate matter which are known to cause health issues such as dizziness, asthma attacks, headaches, and heart and lung disease. Debris blown into streets and storm drains are a contributor to water pollution.

In addition, the loud noise from these machines can cause hearing issues. These health risks affect not only operators of SOREs, but can affect bystanders as well. This ordinance is founded in the noise regulation chapter of the SPMC, however, the prohibition of gas-powered leaf blowers is not based on compliance with a standard level of noise pollution. Any gas-powered leaf blower device, regardless of noise impacts, is banned from use (with the exception of emergency situations). At the July 7, 2021 City Council meeting, Council presented concern with the current noise violation measurement requirements under the SPMC and the practicality of enforcing this requirement given the complexity required for decibel measurement against an ambient level. Several cities (Attachment 4) do not require measurement of the noise source to issue enforcement. Another city utilizes an absolute sound standard instead of measurement against an ambient level (Attachment 4, Page 1: "City of Pasadena"). City staff have revised the Ordinance language to require that electrically powered leaf blowers must comply with an absolute threshold of 65 dB, as well as the existing noise regulation of 5 dB above ambient noise level, and the allowed permitted hours of operation. The absolute sound standard of 65 decibels when measured from a distance of 50 feet from the equipment being used would be used in areas

where background ambient sounds does not interfere with measurement for enforcement. Under SPMC 19A.12 "Machinery, equipment, fans and air-conditioning", noise from machinery that is more than 5 decibels above ambient sound at the property line is prohibited. The existing standard for all machinery under SPMC 19A.12 would be used where other noise interferes with isolation of the leaf blower equipment being identified as the source of the noise above 65 decibels. The new standard of 65 decibels when measured 50 feet from the leaf blower would be used in all other situations.

City Goals

In recognition of the environmental and health risks of gas-powered lawn equipment, the City has included their elimination in the Green Action Plan (GAP) adopted in November 2019 and Climate Action Plan (CAP) adopted in December 2020.

- GAP Goal V, Move 2 (V.2, page 20):
"Evaluate the feasibility of banning gas-powered lawn equipment including leaf blowers."
- CAP short term (1-3 years) action (T.1.e, page 49):
"Establish an ordinance that restricts use of gas-powered lawn equipment, including leaf blowers, and provide information on the City website outlining available incentives."

Per the CAP, the Green Plan, and the City's pursuit of continuously improving the quality of life in South Pasadena, staff have drafted an update to Chapter 19A (Noise Regulation) and Chapter 1 (General Provisions) of the City Municipal Code prohibiting the use of gas-powered leaf blowers in the City (Attachment 1).

Alternatives

Alternatives to gas-powered leaf blowers include electric equipment, manual removal of waste, and no removal of waste. On average, electric equipment, do not emit emissions, are easier and cost less to maintain, and are 40-70% quieter than their gas-powered counterparts.

State Ban (AB 1346)

The California State legislature is currently debating AB 1346, which would ban the sale of new gas-powered leaf-blowers, lawnmowers, and other SOREs. This ban would take effect by 2024, or earlier if deemed feasible by the CARB. Adopting an ordinance prohibiting the use of gas-powered leaf blowers prepares the South Pasadena community for future restrictions on such equipment.

Implementation

The ordinance would become effective 30 days after second reading, though the City ban on gas-powered equipment would commence October 1, 2022, providing an approximately one-year grace period before the effective date. In the July 7, 2021 City Council meeting, Council

presented concern over the lengthiness of this implementation. As discussed by the NREC, a comprehensive outreach program is expected to encourage compliance with the ordinance prior to the October 1, 2022 implementation date, and therefore reduce the need for post-implementation enforcement. During this grace period, staff will work with South Coast AQMD and the AGZA to provide outreach, education, and resources for commercial property owners, tenants, homeowners, and independent gardeners. An overview of the City's planned comprehensive outreach strategy is presented below in the Community Outreach section of this report.

The noise restriction, disposal requirements, and dust control measures are effective thirty days after adoption.

The City has already begun working with AGZA to provide our residents with resources and education on switching to electric lawn equipment. The first of several educational webinars was held on June 23, 2021, and several in-person demonstrations will be scheduled throughout the grace period. In addition, information regarding the South Coast AQMD Commercial Electric Lawn & Garden Equipment Exchange Program will be promoted on the South Pasadena Environmental Programs webpage at www.southpasadenaca.gov/environmentalprograms.

City staff will explore the feasibility of establishing a tool lending library that would allow residents and commercial gardeners to rent out electric leaf blowers for a certain period of time.

Compliance Responsibility and Enforcement

In staff's evaluation of other cities' leaf blower restrictions (Attachment 4), it was noted that a variety of methods were used to implement compliance responsibility on the offending party. Some cities designate the equipment operator, authorizer/causer of use, property owner, tenant, owner of the landscape/gardening service, or some combination thereof. As written, this ordinance places compliance responsibility on those who authorize the use of leaf blowers on their property, this includes property owners or tenants. In the July 7, 2021 City Council meeting, Council requested this clarification with the desire to relieve residential tenants from compliance responsibility. With the revised language, a residential tenant who did not authorize the use of a gas-powered leaf blower would not be subject to enforcement.

In addition, it is City Council's direction to not criminalize the use of gas-powered leaf blowers, if proceeding with this ban. City staff have revised the ordinance language to clearly indicate that a responsible person is not subject to a misdemeanor, and that enforcement is not conducted by the Police Department. The City's code enforcement officer shall have primary responsibility for enforcement of this ordinance and the city manager is authorized to establish regulations and administrative procedures or to take any and all other actions reasonable and necessary to obtain compliance with this ordinance.

All violations of the South Pasadena Municipal Code may also be addressed through the administrative citation process at the City's discretion. (SPMC ch. 1.A.2).

Violations

Violation issuance is recommended to be structured as follows:

1. First violation: written warning notice
2. Second violation: a fine not exceeding one hundred dollars (\$100.00)
3. Third violation: a fine not exceeding two hundred dollars (\$200.00)
4. Fourth violation and any subsequent violation: a fine not exceeding five hundred dollars (\$500.00)

Community Outreach

This matter was reviewed at a public NREC meeting on May 25, 2021, and staff also held a strategic planning meeting with community stakeholders on July 8, 2021. Staff have partnered with AGZA to host several virtual workshops for homeowners and in-person demonstrations for gardeners and landscapers in both English and Spanish. The first virtual workshop was held on June 23, 2021. Staff will continue outreach efforts for the duration of the grace period and beyond.

Outreach efforts will be conducted to reach the following:

1. Single family home property owners
2. Single family home tenants
3. Home owner associations (Condominiums)
4. Multi-unit apartment property owners
5. Commercial property owners
6. Business owners
7. Industrial properties
8. Non-profit organizations including places of worship
9. Commercial gardeners and landscaping companies
10. Independent gardeners/landscapers

The City will enlist the following community organizations/members for outreach efforts:

1. City Commissions
2. City Library
3. Chamber of Commerce
4. South Pasadena Unified School District
5. Local Newspapers
6. Neighborhood Watch Groups
7. South Pasadena Beautiful
8. Transition South Pasadena
9. South Pasadena Community Gardens
10. Boy Scouts of America
11. Girl Scouts of America
12. Kiwanis Club of South Pasadena
13. Rotary Club of South Pasadena
14. South Coast Air Quality Management District
15. American Green Zone Alliance

16. Other organizations as determined

Outreach efforts will include:

1. A webpage dedicated to the leaf blower ordinance with resources and FAQs
2. Information posted on City social media accounts including Facebook and the City blog
3. Distribution of information via City e-newsletter, City sustainability e-newsletter, and Environmental Listserv
4. Distribution of information via utility bills including waste, water, and electricity
5. Published information in South Pasadena Newspapers
6. Display of printed flyers at City departments and facilities such as Library, Senior Center, Community Services, Finance Department, City Manager's Office, Police Department, Public Works, and Council Chambers
7. Door-to-door distribution of door hangers with ordinance/resource information
8. Direct mailing of notice of ordinance on City letterhead to business owners and property management companies via business license list
9. Distribution of information via printed material and/or in person at local events including the Farmer's Market, commission meetings, City Council meetings, Chamber Networking events, other City events, etc.
10. Installation of banners at City entrances
11. Webinars for home owners and business owners
12. In-person field demonstrations in English and Spanish
13. Email address dedicated to reporting violations of the ordinance

Legal Review

The City Attorney has reviewed this item and has approved the ordinance as written.

Fiscal Impact

With the adoption of the ordinance there will be costs associated with educational outreach and possible enforcement actions by staff. Outreach costs may include printing flyers and mailing to all residences and property owners (approximately \$5,800 postage, \$7,200 flyers), door hangers for door-to-door outreach (approximately \$8,000), banners (approximately \$1,000), and advertisement in newspapers (approximately \$3,000). Estimated costs for these outreach efforts is \$25,000. No funds have been allocated in the Public Works Department Fiscal Year 2021-2022 budget for a comprehensive outreach effort to prohibit gas-powered leaf blowers. Staff recommends funding the outreach effort by appropriating \$25,000 from the General Fund Undesignated Reserves to Public Works Environmental Services Account Numbers 101-6010-6015-8010-000 (Postage \$5,800), 101-6010-6015-8040-000 (Advertising \$3,000), and 101-6010-6015-8050-000 (Printing/Duplicating \$16,200). Estimated costs for future staff enforcement efforts are unknown at this time.

The ordinance restricting gas-powered leaf blowers would require gardeners/landscapers to obtain new electric equipment, which will likely incur a cost. Staff will investigate funding sources for incentives to ease the financial challenges of switching to new equipment. Currently, the South Coast AQMD offers an Electric Lawn and Garden Equipment incentive that provides

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up to 75% off commercial electric lawn and garden equipment in exchange for gas-powered lawn equipment including leaf blowers.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Redlined Ordinance Amending Chapter 19A (Noise Regulation) and Chapter 1 (General Provisions) of the South Pasadena Municipal Code
2. Full Changes Ordinance Amending Chapter 19A (Noise Regulation) and Chapter 1 (General Provisions) of the South Pasadena Municipal Code
3. History of the gas-powered leaf blower regulation in South Pasadena
4. Ordinance Implementation Research Matrix

ATTACHMENT 1

**Redlined Ordinance Amending Chapter 19A (Noise Regulation)
and Chapter 1 (General Provisions)**

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AMENDING SECTIONS 19A.12.1 ("POWER YARD MAINTENANCE
EQUIPMENT—DEFINITIONS") AND 19A.12.4 ("LEAF BLOWERS —
REGULATION OF USE") AND 19A.12.5 ("POWER YARD MAINTENANCE
EQUIPMENT – VIOLATION AND PENALTY") OF CHAPTER 19A ("NOISE
REGULATION") AND 1.7A ("SAME-INFRACTIONS") OF CHAPTER 1
("GENERAL PROVISIONS")
OF THE SOUTH PASADENA MUNICIPAL CODE
RELATING TO LEAF BLOWERS

WHEREAS, the toxic pollutants from gas-powered leaf blowers are known to cause health issues including dizziness, asthma attacks, headaches, and heart and lung disease for both operators and bystanders; and

WHEREAS, the emissions from gas-powered leaf blowers, including the greenhouse gases carbon dioxide and nitrous oxide, contribute to air pollution and climate change; and

WHEREAS, the powerful noise when operating gas-powered leaf blowers causes hearing loss and diminishes the quality of life in the City; and

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action of banning the use of gas-powered leaf blowers in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Section 19A.12.1 ("Power Yard Maintenance Equipment - Definitions") of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.1 Power yard maintenance equipment—Definitions.

For the purposes of Sections 19A.12.1 through 19A.12.5, the following words and phrases shall have the following meanings:

- (a) "Leaf blower" means ~~any air-blowing machine which uses a concentrated stream of air to blow leaves, grass cuttings, trash or other debris and material.~~ a machine, powered by a gasoline engine or electric motor, which uses a concentrated stream of air to blow, displace, or vacuum leaves, grass clippings, dirt, and/or other debris or material.

(b) "Lot" means an area of real property within the city as defined in Chapter 36, zoning ordinance of the city.

(c) "Power yard maintenance equipment" means any gasoline or electric powered engine-driven device or machine used primarily for the maintenance of lawns, shrubs, trees or other landscaping. Such devices include, but are not limited to, lawn mowers, leaf blowers, string trimmers, edgers, hedge trimmers, and chain saws.

SECTION 2. Sections 19A.12.4 ("Leaf blowers —Regulation of use") of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.4 Leaf blowers —Regulation of use.

(a) ~~The use of leaf blowers, with the exception of California Air Resources Board (CARB) approved gasoline powered leaf blowers and electric powered leaf blowers ("approved leaf blowers") shall be prohibited in the city after October 1, 2010. Commencing October 1, 2022, it is prohibited for any property owner (including the city) or tenant or any employee, agent, or contractor working for a property owner or tenant to operate or authorize the operation of a gas-powered leaf blower at any time for any purpose. The property owner or tenant, whichever person is responsible for authorizing the use of a gas-powered leaf blower, shall be responsible for violations of this ordinance. The use of gasoline-powered leaf blowers approved by California Air Resources Board (CARB) shall be allowed until October 1, 2022.~~

(b) ~~Commencing October 1, 2010, all CARB-approved gasoline leaf blowers shall prominently display a city issued decal/seal verifying its approved status. The property owner or tenant, whichever person is responsible for authorizing the use of gas-powered leaf blower, shall be responsible for violations of this ordinance. Until October 1, 2022, all gasoline-powered leaf blowers) shall prominently display a city issued decal/seal verifying its status as approved by the California Air Resources Board (CARB).~~

(c) Commencing October 1, 2022, the following shall be exempt from the provisions 19A.12.4 (a) and (b) of this chapter:

1. Leaf blowers (gas powered or electrically powered) utilized by emergency responders for the purpose of responding to an emergency, or necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
2. Leaf blowers (gas powered or electrically powered) used to clear downed trees in areas needing expedient clearance for the safety of the public.

(d) During the grace period following the enactment of revisions and up to the October 1, 2022 effective date, the City of South Pasadena will work with the South Coast Air Quality Management District and community organizations to provide outreach, education, and resources for commercial property owners, tenants, and homeowners. Outreach including the following will also extend to independent gardeners and large commercial grounds maintenance companies which may include, but not be limited to:

1. Webinars, field workshops, print and digital informational materials, direct outreach including letters and door hangers, City webpage, public service announcements, and a city phone number to call for ordinance details.

(e) As of October 1, 2022, no leaf blower shall be operated in a manner that directs dust and debris onto any neighboring parcel, storm drain, public property, or public street.

(ef) Commencing October 1, 2010, no business license shall be issued to any gardener and/or landscaper without proof of purchase of a leaf blower(s) allowed under subsection (a) and a signed declaration that the company will not use prohibited leaf blowers in the city.

(dg) The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of dust.

(eh) After leaf blower use, debris and waste materials shall be disposed of in the appropriate disposal receptacle or any trash receptacles or other equivalent container.

(fi) Leaf blowers shall be in proper working order and all manufacturers' noise and dust control equipment on the leaf blower shall remain on the blower and be in operating condition.

(j) Notwithstanding any other provision in this code, it is unlawful for any person to operate any leaf blower in any manner so as to create a maximum noise level of 65 decibels when measured from a distance of 50 feet from the equipment being used.

SECTION 3. Sections 19A.12.5 ("Leaf blowers – Power yard maintenance equipment – Violation and penalty) of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.5 Power yard maintenance equipment—Violation and penalty.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation or otherwise fail to comply with the provisions of Sections 19A.12.1 through 19A.12.4. Any violation of Sections 19A.12.1 through 19A.12.4 shall be punishable as provided in Chapter 1, Sections 1.7 and 1.7A of this Code. ~~Any fines to be levied for any violation of Sections 19A.12.1 through 19A.12.4 shall not exceed fifty dollars per violation.~~ follows:

(a) For the first violation, the city manager or his/her designee, upon determination that a violation of this chapter has occurred, shall issue a written warning notice to the person which authorizes the use of gas-powered leaf blowers which will specify the violation and the appropriate penalties in the event of future violations.

(b) Thereafter, the following schedule shall apply:

- (1) A fine not exceeding \$100.00 for the second violation;
- (2) A fine not exceeding \$200.00 for the third violation;
- (3) A fine not exceeding \$500.00 for the fourth and any subsequent violation that occurs.

SECTION 4. Sections 1.7A ("Same—Infractions") of Chapter 1 ("General Provisions") of the South Pasadena Municipal Code is amended to read as follows:

1.7A Same—Infractions.

Pursuant to the provisions of Section 36900 of the California Government Code, the first violation by any person of any of the following provisions of the South Pasadena Municipal Code shall be deemed “infractions” while any subsequent violations shall be deemed a “misdemeanor”:

Chapters:

3 Advertising

5 Animals & Fowl

Sections:

16.4, Burning rubbish or debris

16.18, Trash can location

16.3, Trash to be in container

16.2, 16.5, Control of dumping trash

18.20, Operating without a city business license

19.20, Truck routes generally

19.21, Heavy truck on Pasadena Freeway

~~19A.12.3, Power yard maintenance equipment~~

~~19A.12.4, Leaf blowers—Regulation of use~~

Articles:

III of Chapter 19 relating to parking

Any person authorized by the chief of police may enforce this section and issue citations for such infractions.

The maximum fine to be imposed for an infraction pursuant to this section shall be one hundred dollars or as provided by state law, or as otherwise specified in this Code.

SECTION 5. CEQA. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It is found with certainty that there

is no possibility this regulatory amendment prohibiting gas-powered leaf blowers will have a significant negative effect on the environment. Contrarily, the amendment will have a positive effect on the environment by reducing pollutants and greenhouse gas emissions.

SECTION 6. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

Lucie Colombo, CMC, CPMC
City Clerk

ATTACHMENT 2

**Full Changes Ordinance Amending Chapter 19A (Noise Regulation)
and Chapter 1 (General Provisions)**

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AMENDING SECTIONS 19A.12.1 ("POWER YARD MAINTENANCE
EQUIPMENT—DEFINITIONS") AND 19A.12.4 ("LEAF BLOWERS —
REGULATION OF USE") AND 19A.12.5 ("POWER YARD
MAINTENANCE EQUIPMENT – VIOLATION AND PENALTY") OF
CHAPTER 19A ("NOISE REGULATION") AND 1.7A ("SAME-
INFRACTIONS") OF CHAPTER 1 ("GENERAL PROVISIONS")
OF THE SOUTH PASADENA MUNICIPAL CODE
RELATING TO LEAF BLOWERS

WHEREAS, the toxic pollutants from gas-powered leaf blowers are known to cause health issues including dizziness, asthma attacks, headaches, and heart and lung disease for both operators and bystanders; and

WHEREAS, the emissions from gas-powered leaf blowers, including the greenhouse gases carbon dioxide and nitrous oxide, contribute to air pollution and climate change; and

WHEREAS, the powerful noise when operating gas-powered leaf blowers causes hearing loss and diminishes the quality of life in the City; and

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action of banning the use of gas-powered leaf blowers in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

~~The people of the City of South Pasadena do hereby ordain as follows:~~

SECTION 1. Section 19A.12.1 ("Power Yard Maintenance Equipment - Definitions") of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.1 Power yard maintenance equipment—Definitions.

For the purposes of Sections 19A.12.1 through 19A.12.5, the following words and phrases shall have the following meanings:

- (a) "Leaf blower" means ~~any air-blowing machine which uses a concentrated stream of air to blow leaves, grass cuttings, trash or other debris and material.~~ a machine, powered by a gasoline

engine or electric motor, which uses a concentrated stream of air to blow, displace, or vacuum leaves, grass clippings, dirt, and/or other debris or material.

(b) "Lot" means an area of real property within the city as defined in Chapter 36, zoning ordinance of the city.

(c) "Power yard maintenance equipment" means any gasoline or electric powered engine-driven device or machine used primarily for the maintenance of lawns, shrubs, trees or other landscaping. Such devices include, but are not limited to, lawn mowers, leaf blowers, string trimmers, edgers, hedge trimmers, and chain saws.

SECTION 2. Sections 19A.12.4 ("Leaf blowers — Regulation of use") of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.4 Leaf blowers — Regulation of use.

(a) ~~The use of leaf blowers, with the exception of California Air Resources Board (CARB) approved gasoline powered leaf blowers and electric powered leaf blowers ("approved leaf blowers") shall be prohibited in the city after October 1, 2010. Commencing October 1, 2022, it is prohibited for any property owner (including the city) or tenant or any employee, agent, or contractor working for a property owner or tenant to operate or authorize the operation of a gas-powered leaf blower at any time for any purpose. The property owner or tenant of the property, whichever person is responsible for authorizing the use of a gas-powered leaf blower, shall be responsible for violations of this ordinance. The use of gasoline-powered leaf blowers approved by California Air Resources Board (CARB) shall be allowed until October 1, 2022.~~

(b) ~~Commencing October 1, 2010, all CARB approved gasoline leaf blowers shall prominently display a city issued decal/seal verifying its approved status. Commencing October 1, 2022, it is prohibited for any property owner (including the city) or tenant or any employee, agent, or contractor working for a property owner or tenant to operate or authorize the operation of any electrically powered leaf blower at any time that does not comply with noise limits set by SPMC 19A.12. The property owner or tenant of the property, whichever person is responsible for authorizing the use of gas-powered leaf blower, shall be responsible for violations of this ordinance. Until October 1, 2022, all gasoline-powered leaf blowers shall prominently display a city issued decal/seal verifying its status as approved by the California Air Resources Board (CARB).~~

(c) ~~Commencing October 1, 2022, the following shall be exempt from the provisions 19A.12.4 (a) and (b) of this chapter:~~

1. ~~Leaf blowers (gas powered or electrically powered) utilized by emergency responders for the purpose of responding to an emergency, or necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.~~
2. ~~Leaf blowers (gas powered or electrically powered) used to clear Large, downed trees in areas needing expedient areas cleared clearance for the safety of the public.~~

(d) ~~During the one-year grace period following the enactment of revisions and up to the October 1, 2022 effective date, the City of South Pasadena will work with the South Coast Air~~

Quality Management District and community organizations to provide outreach, education, and resources for commercial property owners, tenants, and homeowners. Outreach including the following will also extend to independent gardeners and large commercial grounds maintenance companies which may include, but not be limited to:

1. Webinars, field workshops, print and digital informational materials, direct outreach including letters and door hangers, City webpage, public service announcements, and a city phone number to call for ordinance details.

(e) As of October 1, 2022, no leaf blower shall be operated in a manner that directs dust and debris onto any neighboring parcel, storm drain, public property, or public street.

(ef) Commencing October 1, 2010, no business license shall be issued to any gardener and/or landscaper without proof of purchase of a leaf blower(s) allowed under subsection (a) and a signed declaration that the company will not use prohibited leaf blowers in the city.

(dg) The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of dust.

(eh) After leaf blower use, debris and waste materials shall be disposed of in the appropriate disposal receptacle or any trash receptacles or other equivalent container.

(fi) Leaf blowers shall be in proper working order and all manufacturers' noise and dust control equipment on the leaf blower shall remain on the blower and be in operating condition.

(j) Notwithstanding any other provision in this code, it is unlawful for any person to operate any leaf blower in any manner so as to create a maximum noise level of 65 decibels when measured from a distance of 50 feet from the equipment being used.

SECTION 3. Sections 19A.12.5 ("Leaf blowers – Power yard maintenance equipment – Violation and penalty) of Chapter 19A ("Noise Regulation") of the South Pasadena Municipal Code is amended to read as follows:

19A.12.5 Power yard maintenance equipment—Violation and penalty.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation or otherwise fail to comply with the provisions of Sections 19A.12.1 through 19A.12.4. Any violation of Sections 19A.12.1 through 19A.12.4 shall be punishable as ~~provided in Chapter 1, Sections 1.7 and 1.7A of this Code. Any fines to be levied for any violation of Sections 19A.12.1 through 19A.12.4 shall not exceed fifty dollars per violation, follows:~~

(a) For the first violation, the city manager or his/her designee, upon determination that a violation of this chapter has occurred, shall issue a written warning notice to the person which authorizes the use of gas-powered leaf blowers which will specify the violation and the appropriate penalties in the event of future violations.

(b) Thereafter, the following schedule shall apply:

- (1) A fine not exceeding \$100.00 for the second violation;

(2) A fine not exceeding \$200.00 for the third violation;

(3) A fine not exceeding \$500.00 for the fourth and any subsequent violation that occurs.

SECTION 4. Sections 1.7A (“Same—Infractions”) of Chapter 1 (“General Provisions”) of the South Pasadena Municipal Code is amended to read as follows:

1.7A Same—Infractions.

Pursuant to the provisions of Section 36900 of the California Government Code, the first violation by any person of any of the following provisions of the South Pasadena Municipal Code shall be deemed “infractions” while any subsequent violations shall be deemed a “misdemeanor”:

Chapters:

3 Advertising

5 Animals & Fowl

Sections:

16.4, Burning rubbish or debris

16.18, Trash can location

16.3, Trash to be in container

16.2, 16.5, Control of dumping trash

18.20, Operating without a city business license

19.20, Truck routes generally

19.21, Heavy truck on Pasadena Freeway

~~19A.12.3, Power yard maintenance equipment~~

~~19A.12.4, Leaf blowers—Regulation of use~~

Articles:

III of Chapter 19 relating to parking

Any person authorized by the chief of police may enforce this section and issue citations for such infractions.

The maximum fine to be imposed for an infraction pursuant to this section shall be one hundred dollars or as provided by state law, or as otherwise specified in this Code.

SECTION 54. CEQA. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. ~~It is found may be seen~~ with certainty that there is no possibility this regulatory amendment prohibiting gas-powered leaf blowers ~~will may~~ have a significant negative effect on the environment. Contrarily, the amendment will have a positive effect on the environment by reducing pollutants and greenhouse gas emissions.

SECTION 65. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

Lucie Colombo, CMC, CPMC
City Clerk

ATTACHMENT 3

History of the gas-powered leaf blower regulation in South Pasadena



City of South Pasadena
Gas-Powered Leaf Blower Ban – History of Regulation in South Pasadena

In 1970, the City added Chapter 19A Noise Abatement to the municipal code (Ordinance No. 1582) in order to control emission or creation of noise beyond certain levels. The noise regulation code established the decibel-based standard in place today. In 1990, as part of a general effort to make technical updates to the entire municipal code, a section was added to Chapter 19A (Ordinance No. 1983 §43) that subjected a person violating noise regulations to a misdemeanor offense. The 1990 update also added penalty language to the municipal code Chapter 1 General Provisions, dictating that any violation is subject to a not-to-exceed fine of \$1,000, or up to six months imprisonment, or both fine and imprisonment (Ordinance No. 1983 §1).

The original 1970 noise ordinance language remained largely unchanged until its revision in 1991, when Ordinance No. 1996 prohibited gasoline internal combustion engine powered leaf blowers in the City. The ban took effect on May 17, 1991, 30 days after its unanimous approval by the City Council. In addition to the gas-powered leaf blower ban, the 1991 revision restricted the operation of electric or battery powered leaf blowers to weekdays from 8:00 a.m. to 8:00 p.m. and on weekends/holidays from 10:00 a.m. to 6:00 p.m. Other language was also added that imposed requirements to control noise, dust, and debris for permitted leaf blower. Lastly, the 1991 revision implemented a not-to-exceed \$50 fine per violation, prevailing over the general penalty of \$1,000 listed in Chapter 1.7 of the municipal code established in 1990.

In 2004, the City repealed the section of the municipal code that prohibited gas-powered leaf-blowers, authorizing them for use in the City again. The Council decided that leaf blowers should be treated similarly to other types of power yard maintenance equipment, which had remained legal for use when the leaf blowers were banned in 1991. To this effect, the 2004 revision refined the definition of “power yard maintenance equipment” to clarify that it included both gasoline and electric powered landscaping related equipment, and specifically named lawn mowers, leaf blowers, string trimmers, hedge trimmers, and chain saws, but not limited to these devices. The revision also restructured the restriction on hours of use to align these with the permitted schedule for construction activities: Monday through Saturday from 8:00 a.m. to 7:00 p.m. and Sundays/holidays from 10:00 a.m. to 7:00 p.m.

The City’s analysis of the issue in 2004 demonstrated multiple difficulties in enforcement of the ban, which was the responsibility of the police department. In the years leading up the appeal, City police had conducted little enforcement of the ban, only responding to a public complaint when gas-powered leaf blowers were being used – resulting in approximately 20 calls per month. Starting in March 2004, and in response to a resident noise complaint and subsequent Council discussion, City police increased enforcement of the ban, issuing 57 warnings and 48 citations over the following three months. Effective police enforcement proved difficult as most landscapers used gas-powered leaf blowers, and very often, the offending party using the blower was not present when police arrived. Furthermore, LA County prosecution in gas-powered leaf blower enforcement cases were imposing only a \$10 fine to violators, well below the \$50 maximum fine allowed by the municipal code. As a further deterrent to enforce the

ordinance as implemented, it was noted that prosecutorial costs encumbered by the LA County District Attorney's office for municipal code violations were the financial responsibility of the City.

In November 2008, out of concern for the detrimental health effects of gas-powered leaf blowers, the City revisited the noise ordinance and decided to restrict the use of gas-powered leaf blowers to only those that were California Air Resources Board (CARB) approved (Ordinance No. 2192). City Council directed staff to begin the outreach effort to notify all licensed landscaper contractors and every property owner in the City of the new restriction beginning January 2009. The CARB-approved restriction took effect on October 1, 2010, approximately two years after the City Council direction and commencement of the outreach effort, and 11 months after the ordinance was approved by the City Council in November 2009. The 2009 revision also required gardeners/landscapers to show proof of purchase of an approved leaf-blower in order to obtain a City business license, and required CARB-approved gas-powered leaf blowers to display a City-issued decal, demonstrating its approved use.

In April 2010, prior to the CARB-approved restriction taking effect in October 2010, the noise ordinance was revised once more to restrict the use of power yard maintenance equipment, including leaf blowers, to one hour later on Saturdays. The hours of usage, which are still in effect today are: Monday through Friday from 8:00 a.m. to 7:00 p.m., Saturdays 9:00 a.m. to 7:00 p.m., and Sundays/holidays from 10:00 a.m. to 7:00 p.m. The 2010 revision also amended Chapter 1.7A of the municipal code to include power yard maintenance equipment, effectively changing a first offense violation to an infraction instead of a misdemeanor.



City of South Pasadena
Gas-Powered Leaf Blower Ban - Ordinance Implementation Research Matrix

#	Municipality	Compliance Standard	Compliance Responsibility	Enforcement Program	Implementation Timeline
1	City of Pasadena	<ul style="list-style-type: none"> max 65 dB measured from 50 ft distance residential area or within 500 ft of residential are time restrictions: not before M-F 8 am and after 6 pm not before Sat 9 am and after 5 pm not on Sunday 1 leaf blower/parcel no blowing past property line only 15 min per hour on <1/2 acre parcel only 30 min per hour on >1/2 acre parcel operator required to file an annual certificate of compliance with health department sticker must be affixed to leaf blower 	<ul style="list-style-type: none"> equipment operator any person who causes equipment to be operated 	<ul style="list-style-type: none"> enforcement conducted by Public Health Department complaint-driven enforcement - City provides online form ("Citizen Service Center") and phone number to receive complaints person reporting provides location, incident date, time of day, date, description/information, and image/file general penalty provisions allow discretion over enforcement actions as a misdemeanor, infraction, or civil administrative action misdemeanor with fine <=\$1000, or imprisonment County Jail <=6 months, or both Infractions: 1st violation <=\$100, 2nd violation <=\$200, 3rd and more violations within 1 year <=\$500 in 2018, the City received 103 noise complaints of which 79 (77%) were leaf blower related 	<ul style="list-style-type: none"> Initial restrictions adopted in 1987 and modified in 2000
PMC 9.37.030: https://www.cityofpasadena.net/wp-content/uploads/sites/30/Leaf-Blower-Ordinance.pdf?v=1627341780354					
PMC 9.37.030: http://pasadena-ca.elaws.us/code/coor_title9_artiv_ch9.37_sec9.37.030					
PMC 1.24: https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.24GEPE					
Pasadena Commission Report: https://www.cityofpasadena.net/commissions/wp-content/uploads/sites/31/2019-03-12-Environmental-Advisory-Commission-Memo-Re-Lawn-and-Garden-Equipment-Policy-Review.pdf					
2	City of Santa Monica	<ul style="list-style-type: none"> motorized leaf blowers (all) prohibited 	<ul style="list-style-type: none"> no real property owner, tenant in possession, or person in control "shall allow the operation" requires confirmation that owner/tenant is aware before taking enforcement action (supported by hearing officer) owner of landscape/gardening service 	<ul style="list-style-type: none"> administrative citation (\$500) to operator and door hanger left at property - transitory nature typically requires multiple visits (up to 3 before closing case) municipal code: infraction <=\$250 fine, misdemeanor <=\$1000, or imprisonment County Jail <=6 months operated by code enforcement since July 2013 In 2017, 85% of cases originated from complaints (23% of all code enforcement cases) At present, City uses customer engagement software (web, app, email, & phone) to track requests/complaints code enforcement office must observe violation may be coupled with business license violation 	<ul style="list-style-type: none"> 1991 adopted ban - effective 30 days after adoption 1995 added fines and penalties - effective 30 days after adoption 2010 changed responsibility from operators to property owners / landscape company owners - effective 30 days after adoption 2013 program moved to code enforcement
SMMC 4.08.270: http://www.qcode.us/codes/santamonica/view.php?topic=4-4_08-4_08_270					
SMMC 1.09.030: http://www.qcode.us/codes/santamonica/view.php?topic=1-1_09-1_09_030					
1991 Ordinance: https://publicdocs.smgov.net/WebLink/DocView.aspx?id=1315953					
1995 Ordinance: https://publicdocs.smgov.net/WebLink/DocView.aspx?id=1316200					
2010 Ordinance: https://publicdocs.smgov.net/WebLink/DocView.aspx?id=2270525					
SM Info Item & Citation Reversal Hearing: https://www.smgov.net/WorkArea/DownloadAsset.aspx?id=53687098057					
SM Website Info: https://www.smgov.net/departments/osc/categories/landscape/leaf_blower_ban.aspx					



City of South Pasadena
Gas-Powered Leaf Blower Ban - Ordinance Implementation Research Matrix

#	Municipality	Compliance Standard	Compliance Responsibility	Enforcement Program	Implementation Timeline
3	City of Berkeley	<ul style="list-style-type: none"> operation of gas-powered leaf blowers is prohibited measurement of the noise source is not required to issue enforcement 	<ul style="list-style-type: none"> equipment operator 	<ul style="list-style-type: none"> enforcement conducted by Environmental Health Division - Community Noise Program complaint-driven enforcement - City provides online form, phone number, and email to receive complaints issuance of infraction or misdemeanor based on discretion of enforcing officer or City Attorney Infractions: 1st violation <=\$100, 2nd violation <=\$200, 3rd and more violations within 1 year <=\$500 at discretion of City Attorney the 4th violation in one year may be charged as misdemeanor with fine <=\$1000, or Imprisonment County Jail <=6 months, or both grants authority to multiple city employees by title to issue citations measurement of the noise source is not required to issue enforcement warning notice is not required when enforcing notice required to be posted in stores selling gas-powered leaf blowers 	<ul style="list-style-type: none"> 1990 adopted ban - effective 30 days after adoption
BMC 13.40.070: https://www.codepublishing.com/CA/Berkeley/7Berkeley13/Berkeley1340/Berkeley1340070.html&?f BMC 1.20.020: https://www.codepublishing.com/CA/Berkeley/html/Berkeley01/Berkeley0120/Berkeley0120020.html#1.20.020 Berkeley's Records Online: https://www.cityofberkeley.info/recordsonline/paFiles/cqFiles/index.html https://www.berkeleyside.org/2021/03/03/opinion-lets-end-the-use-of-gas-leaf-blowers-berkeley-ca					
4	City of Beverly Hills	<ul style="list-style-type: none"> operation of gas-powered leaf blowers is prohibited 	<ul style="list-style-type: none"> equipment operator 	<ul style="list-style-type: none"> enforcement conducted by Code Enforcement within Community Development Department complaint-driven enforcement - code violations reported by through customer engagement web software ("Ask Bev") to track requests/complaint person reporting provides address, date, and time the violation was witnessed City code enforcement staff contact the property owner and gardener to ensure they understand the code and its importance to the community may be subject to summary abatement, restraining order, or court injunction 	<ul style="list-style-type: none"> 2011 adopted ban - effective 41 days after adoption (31st day after passage)
BHM 5-1-209: https://codelibrary.amlegal.com/codes/beverlyhillsca/latest/beverlyhills_ca/0-0-0-5317 BH website info: https://www.beverlyhills.org/cbhfiles/storage/files/15666733841520987370/6303--GasLeafBlowerflyer.pdf					



City of South Pasadena
Gas-Powered Leaf Blower Ban - Ordinance Implementation Research Matrix

#	Municipality	Compliance Standard	Compliance Responsibility	Enforcement Program	Implementation Timeline
5	City of West Hollywood	<ul style="list-style-type: none"> operation or allowing the operation of gas-powered leaf blowers is prohibited 	<ul style="list-style-type: none"> determined by enforcement officer includes, but not limited to, a property owner, tenant, person with a legal interest in real property or person in possession of real property, the president or other head of a corporation or a person authorized by a corporation to receive service of process in a civil action, a business owner or manager of a business 	<ul style="list-style-type: none"> enforcement conducted by Code Compliance Division complaint-driven enforcement - code violations reported by through customer engagement software (web, app, email, & phone) to track requests/complaint person reporting provides name, contact number, the location, and a brief description of the concern code compliance officer receives the message and responds as soon as possible violation subject to administrative penalty procedures: (add \$50 admin fee) 1st offense = \$100, 2nd offense = \$200, third offense = \$500 misdemeanor applies to violations more than once in 12-month period or other failures to comply defined in code grants authority to multiple city employees by title to issue citations 	<ul style="list-style-type: none"> 1985 adopted ban (shortly after City incorporation) - effective 36 days after adoption
WHMC 9.08: http://qcode.us/codes/westhollywood/view.php?topic=9-2-9_08-9_08_050&frames=on WHMC 1.08: http://qcode.us/codes/westhollywood/view.php?topic=1-1_08&showAll=1&frames=on WH Ordinance Log: https://www.weho.org/home/showpublisheddocument/44029/637200519898670000 WH fee schedule: https://www.weho.org/home/showpublisheddocument/47573/637291850760730000 WH website info: https://www.weho.org/home/showdocument?id=14782 WH website info: https://www.weho.org/city-government/city-departments/public-works/code-compliance/code-enforcement/noise					
6	City of Sonoma	<ul style="list-style-type: none"> operation or authorizing the operation of gas-powered leaf blowers is prohibited electrically-powered leaf blowers must: <ul style="list-style-type: none"> only be operated Mon-Sat from 9 am to 4 pm not operate on Sunday or city-designated holidays not be used for blowing to neighboring parcel or public street be operated within noise limits: 70 dBA, as measured from 50 feet of the noise source emergency usage is exempt 	<ul style="list-style-type: none"> property owner (including the city) or tenant any employee, agent or contractor working for a property owner or tenant 	<ul style="list-style-type: none"> enforcement conducted by Code Enforcement complaint-driven enforcement - code violations reported through email or phone first-time violator receives written cease and desist warning and copy of municipal code section second violation enforcement subject to City's administrative enforcement discretion and treated as first violation with \$250 penalty third and subsequent violations within one year treated as second violation with \$500 penalty municipal code requires all commercial and landscaping companies to have company name and phone number visible on vehicles performing work in City 	<ul style="list-style-type: none"> 2016 adopted ban through ballot Measure V - effective 22 days after final voting results tallied
SMC 9.60: https://www.codepublishing.com/CA/Sonoma/html/Sonoma09/Sonoma0960.html SMC 9.56: https://www.codepublishing.com/CA/Sonoma/html/Sonoma09/Sonoma0956.html#9.56.050 Sonoma website info: https://www.sonomacity.org/documents/leaf-blower-guidelines-english/					



City of South Pasadena
Gas-Powered Leaf Blower Ban - Ordinance Implementation Research Matrix

#	Municipality	Compliance Standard	Compliance Responsibility	Enforcement Program	Implementation Timeline
7	City of Sacramento	<ul style="list-style-type: none">• no operation of gas-powered blower on/within 200 ft of residential property:<ul style="list-style-type: none">- beyond hours Mon-Sat 9 am to 6 pm & Sunday 10 am to 4 pm- blowers purchased/acquired between May 15, 1992, and November 15, 1995, shall not exceed seventy (70) dba- blowers purchased/acquired after November 15, 1995, shall not exceed sixty-five (65) dba- blowers in use on or before ordinance effective date or purchased/acquired before May 15, 1992, shall not exceed seventy (70) dba after November 15, 1993• no person shall operate a portable blower when the air quality index (particulate matter 2.5 micrometers or less - PM2.5) is 101 and above	<ul style="list-style-type: none">• equipment operator	<ul style="list-style-type: none">• complaint-driven enforcement - code violations reported through email or phone• person reporting provides address/location where the activity is occurring as well as the name of contractor, landscaping, or gardening company if appropriate• ban only effective on high air quality index days - approx. 34 days/year• violator is guilty of an infraction and public nuisance• violator liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues	<ul style="list-style-type: none">• 2020 adopted ban - effective 30 days after adoption
SCC 8.68: https://www.gcode.us/codes/sacramento/view.php?topic=8-8_68&showAll=1&frames=on					
SCC 8.70: https://www.gcode.us/codes/sacramento/view.php?topic=8-8_70&showAll=1&frames=on					
Sacramento website info: https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Code-Compliance/Programs/Portable-Blowers/Portable-Blower-FAQs.pdf?la=en					
Sacramento Law & Legislation Committee Report: https://sacramento.granicus.com/MetaViewer.php?vIEW_id=21&event_id=36248&meta_id=577006					



ORDINANCE PROHIBITING GAS-POWERED LEAF BLOWERS

Prohibits the operation of gas-powered leaf blowers at any time for any purpose

Recommendation from Natural Resources and Environmental Commission to adopt the ordinance

July 7, 2021 – First reading of original ordinance

August 18, 2021 – First reading of revised ordinance



Revised Leaf Blower Ordinance

- Clarifies language to ensure tenants are not held responsible for the authorization of gas-powered leaf blower use by the property owner
- Simplifies standard by which gas-powered leaf blowers are prohibited (equipment type prohibited vs. decibel measurement)
- Criminalization has been removed, civil enforcement implemented
- Simple and clear penalty structure added
- Preamble added to stress the importance of prohibiting the use of gas-powered leaf blowers
 - Health and environmental risks
 - Improvement of quality of life
 - Aligns with City plans including Climate Action Plan



Enforcement and Violations

- Enforcement is the responsibility of the City Code Enforcement Officer, not Police Department
- Violation issuance is recommended to be structured as follows:
 - First violation: written warning notice
 - Second violation: a fine not exceeding one hundred dollars (\$100.00)
 - Third violation: a fine not exceeding two hundred dollars (\$200.00)
 - Fourth violation and any subsequent violation: a fine not exceeding five hundred dollars (\$500.00)



July 7 Proposed Vs. August 18 Revised

1. No misdemeanors and not enforced by police.
2. Leaf blower definition now includes gas and electric powered (no change from July 7).
3. Clarifies the use of California Air Resources Board (CARB) approved gas leaf blowers until the ban takes effect on October 1, 2022.
4. Clarifies that violations are the responsibility of the property owner or tenant which authorized the use of a gas-powered leaf blower.
5. New sound standard of 65 dB measured from 50 feet away applied to electrically powered leaf blowers in addition to the 5 dB above-ambient-noise standard.







July 7 Proposed Vs. August 18 Revised

6. Clarifies the allowance of emergency responder usage to clear downed trees for the safety of the public.
7. Clarifies the outreach effort to possibly include other components and occur prior to October 1, 2022.
8. Prohibits directing dust and debris to storm drains and public property, in addition to neighboring parcels or public streets.
9. New violation structure:
 - 1st is a written warning
 - 2nd up to \$100 fine
 - 3rd up to \$200
 - 4th and beyond \$500.

Implementation and Outreach

- Commencing October 1, 2022
 - Comprehensive outreach program to encourage compliance prior to effective date
 - Reduce need for post-implementation enforcement
- Outreach Efforts
 - Distribute info via mail, bills, events, e-newsletter, door-to-door
 - City webpage
 - Webinars & field workshops (AGZA)
 - AQMD Lawn & Garden Equipment Incentive and Exchange Program



CITY OF SOUTH PASADENA PRESENTS


TRANSITIONING TO ELECTRIC LANDSCAPING EQUIPMENT


LEARN ABOUT THE
NOISE AND/AIR
POLLUTION ISSUES
WITH GAS-POWERED
EQUIPMENT AND
THE RESOURCES
AVAILABLE TO HELP
YOU TRANSITION TO
ELECTRIC

FREE WEBINAR!

THURSDAY,
AUGUST 26TH AT 7:00 PM

ZOOM LINK:
[HTTPS://ZOOM.US/J/81766551701](https://zoom.us/j/81766551701)

 **SOUTH
PASADENA**

 **AGZA**

FOR MORE INFORMATION EMAIL:
ENVIRONMENTALPROGRAMS@SOUTHPASADENA.CA.GOV



Budget Recommendation

- Recommendation: Appropriate \$25,000 in General Fund Undesignated Reserves to Public Works Environmental Services Account
- Estimated costs for future staff enforcement efforts are unknown at this time