

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:**

An Ordinance of the City Council of the City)
of Lafayette, California, Adding Chapter 8-)
23 Entitled “Gasoline Powered Leaf)
Blowers” to Title 8 (Public Welfare, Morals,)
and Safety) of the Lafayette Municipal Code)

Ordinance 688

WHEREAS, the City Council recognizes the health risks to individuals stemming from the operation of gasoline powered leaf blowers, including high amounts of noise and hazardous exhaust; and

WHEREAS, the City Council recognizes the environmental harm caused by the emissions from gasoline powered leaf blowers; and

WHEREAS, the City of Lafayette (“City”) is deeply concerned about climate change and other environmental hazards and is committed to taking action to address these issues; and

WHEREAS, the Lafayette City Council has established an Environmental Task Force, which is charged with creating and implementing the City’s Environmental Action Plan; and

WHEREAS, the Environmental Action Plan includes the following goals and programs related to reducing energy use, greenhouse gas emissions, and pollution:

- Energy Use Goal 1 (page 20): Reduce community energy use from 2015 by 5-percent by 2020, 10-percent by 2025, and 15-percent by 2030 and transition to 75% renewable energy by 2025.
- Energy Use Goal 2 (page 20): Reduce municipal energy use from 2015 levels by 5-percent by 2020, 10-percent by 2025, and 15-percent by 2030.
- Food & Agriculture Program 3.2 (page 26): Encourage Sustainable Lafayette to educate local gardeners in resource efficient and pollution prevention landscape management practices.
- Open Space, Parks, and Landscape Program 2.4 (page 36): Replace City-owned lawn and garden equipment with new, battery-powered, zero-emission lawn and garden equipment when the zero-emission equipment becomes more efficient; and

WHEREAS, the City Council seeks to reduce greenhouse gas emissions by encouraging voluntary reductions in emissions as well as by regulating the use of gasoline powered leaf blowers; and

WHEREAS, the City’s Environmental Task Force developed and supports the adoption of this Ordinance to encourage the use of electric leaf blowers to further the Environmental Action Plan goals; and

WHEREAS, on October 9, 2021, the Governor signed AB1346 into law, which bans the sale of new gasoline powered leaf blowers, lawnmowers, chain saws, generators, and other small engines beginning January 1, 2024; and

WHEREAS, several localities in the region have passed similar ordinances banning gasoline powered landscape equipment; and

WHEREAS, the City Council finds that the provisions of this Ordinance are consistent with the goals and policies of the City's General Plan, Environmental Action Plan, and other adopted ordinances and regulations of the City; and

WHEREAS, the City Council now seeks to reduce City greenhouse gas emissions, ensure compliance with AB 1346, and reduce exposure to high levels of noise, hazardous exhaust, and evaporative emissions by regulating the use of gasoline powered leaf blowers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:

Section 1. Summary. This ordinance creates Chapter 8-23: Gasoline Powered Leaf Blowers of the Lafayette Municipal Code to reduce exposure to high levels of noise, hazardous exhaust, and evaporative emissions by regulating the use of gasoline powered leaf blowers to support the transition to zero-emission landscape equipment and ensure compliance with AB 1346.

Section 2. Findings. The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

Section 3. Amendment to Municipal Code. Chapter 8-23: Gasoline Powered Leaf Blowers is added to the Lafayette Municipal Code to read as follows:

"CHAPTER 8-23: GASOLINE POWERED LEAF BLOWERS

Sections:

8-2301 Findings and purpose

8-2302 Definitions

8-2303 Prohibition Against Use of Gasoline Powered Leaf Blowers

8-2304 Use of Leaf Blowers Generally

8-2305 Enforcement and Penalties

8-2301 — Findings and purpose.

The purpose of this chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, and improve the overall quality of life within the City of Lafayette. The Lafayette City Council finds and expressly declares as follows:

- (a) Reducing our city’s greenhouse gas (GHG) emissions is in line with Lafayette’s Mission Statement to “support environmental sustainability and effective infrastructure” and benefits the health, welfare, and resiliency of Lafayette and its residents.
- (b) The following addition to the Lafayette Municipal Code is reasonably necessary because of health and safety concerns as Lafayette residents suffer from asthma and other health conditions associated with poor outdoor air quality exacerbated by the combustion of gasoline, diesel, and other volatile fuels.
- (c) Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the “general rule” exemption, the prohibition on gasoline powered leaf blowers is exempt from CEQA as it can be seen with certainty that it will have no possibility for causing a significant effect on the environment as leaf blowers powered by other means are still permitted.
- (d) The intent of this chapter is to eliminate gasoline powered leaf blowers and associated greenhouse gas emissions in the City of Lafayette where electric and battery powered equipment can be practicably used, thereby reducing the environmental and health hazards produced by gasoline powered equipment.

8-2302 — Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) “Gasoline powered” means any item or equipment that is powered by an internal combustion engine that runs on gasoline, diesel, or other volatile fuel.
- (b) “Landscape equipment” includes but is not limited to, a lawn mower, leaf blower, chainsaw, and/or edge trimmer used to maintain lawns, gardens, sidewalks, and driveways.
- (c) "Leaf blower" means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt and/or debris.

8-2303 – Prohibition against use of gasoline powered leaf blowers.

Effective July 1, 2024, it shall be unlawful for any person to operate, allow, hire, employ or engage the services of a person or business that operates any gasoline powered leaf blower on property that the person owns.

8-2304 – Exemptions.

Use of gasoline powered leaf blowers is exempt from this section as follows:

- (a) When utilized by or at the direction of emergency responders for the purposes of responding to an emergency, or necessary to restore, preserve, protect, or save lives or property from imminent danger of loss or harm; or
- (b) When used to clear downed trees or vegetation in areas needing expedient clearance when necessary to protect public safety, as authorized by the City.

8-2305 – Use of leaf blowers generally.

Subject to the restrictions of Section 8-2303 and Chapter 5-2, the use of leaf blowers is otherwise permitted within the City limits.

8-2306 – Enforcement and penalties.

Whenever the code enforcement officer determines that a violation exists pursuant to this chapter, the code enforcement officer may issue a notice of violation to the property owner responsible for the violation, followed by an administrative citation, pursuant to the procedures outlined in Chapter 1-9 of this code.”

Section 4. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the “general rule” exemption, the ban on gasoline powered leaf blowers is exempt from CEQA as it can be seen with certainty that it will have no possibility for causing a significant effect on the environment as leaf blowers powered by other means are still permitted.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. Publication. The City Clerk shall either (a) have this ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage. Copies of this Ordinance shall, within thirty (30) days after its passage and adoption, be posted in public places in the City of Lafayette. The prohibition against the use of gasoline powered leaf blowers will begin on July 1, 2024.

The foregoing Ordinance was introduced at a regular meeting of the City Council on September 26, 2023, and duly adopted at the next regular meeting of the City Council on October 10, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carl Anduri, Mayor

Attest:

Joanne Robbins, City Clerk

Date