

**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

City Council Ordinance 688

*September 26, 2023
Page 1 of 5*

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:

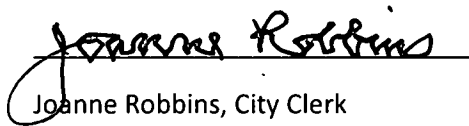
AYES: Anduri, Dawson, Candell, Geringer and Kwok

NOES: None

ABSENT: None


ABSTAIN: None

Attest:


Joanne Robbins, City Clerk



Approved:


Carl Anduri, Mayor



NOTICE OF PUBLIC HEARING

Carl Anduri, Mayor
Gina Dawson, Vice Mayor
Susan Candell, Council Member
Teresa Gerringer, Council Member
Wei-Tai Kwok, Council Member

DY: City Council
TE: Tuesday, September 26, 2023
ME: 7:00 p.m. (please see the agenda for estimated start time of each item)
ACE: Lafayette Library & Learning Center – Don Tatzin Community Hall
3491 Mt. Diablo Blvd., Lafayette, CA 94549
: NOTICE AND SUMMARY OF PROPOSED ORDINANCE NO. 688 ADDING CHAPTER 8-23 ENTITLED "GASOLINE POWERED LEAF BLOWERS" TO TITLE 8 (PUBLIC WELFARE, MORALS, AND SAFETY) OF THE LAFAYETTE MUNICIPAL CODE.

Notice is hereby given that on **Tuesday, September 26, 2023**, the City Council of the City of Lafayette will conduct a public hearing on Ordinance No. 688 at its regular City Council meeting commencing **7:00 p.m.** The meeting will take place at the Lafayette Library & Learning Center – Don Tatzin Community Hall, and as a courtesy to the public, the meeting will also be streamed live on YouTube. Public comments may be submitted to planner@lovelafayette.org before or during the meeting.

Ordinance No. 688, if adopted, will prohibit the use of gasoline powered leaf blowers within the City of Lafayette effective January 1, 2024. If adopted, city staff, residents, and commercial landscape businesses will be prohibited from using gas powered leaf blowers except in emergency cases as authorized by the City. Through the adoption of Ordinance No. 688, the City seeks to reduce City greenhouse gas emissions, ensure compliance with AB 1346 which prohibits the sale of gasoline powered small off-road engines (RES) beginning January 1, 2024, and reduce community exposure to high levels of noise, hazardous exhaust, and evaporative emissions. The Environmental Task Force of Lafayette developed Ordinance No. 688 at the direction of the City Council and recommends its adoption.

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. A certified copy of the full text of the ordinance is available for review in the City Clerk's office at 3675 Mt. Diablo Boulevard Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Project Planner: Anna Tolle, Planning Technician • Tel. (925) 299-3205 • Email: atolle@lovelafayette.org

City Council email: cityhall@lovelafayette.org



Anna Tolle
Planning Technician

Publish Date: September 8, 2023

City of Lafayette
75 Mount Diablo Boulevard, Suite 210, Lafayette, CA 94549
Planning Counter Hours: 12:00 – 5:00 Monday – Friday

Planning Services Division
Phone: 925.284.1976
www.lovelafayette.org

CCT 6777322; Sep. 8, 2023

NOTICE AND SUMMARY OF PROPOSED ORDINANCE NO. 688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE ADDING CHAPTER 8-23 ENTITLED "GASOLINE POWERED LEAF BLOWERS" TO TITLE 8 (PUBLIC WELFARE, MORALS, AND SAFETY) OF THE LAFAYETTE MUNICIPAL CODE

Notice is hereby given that on October 10, 2023, the City Council of the City of Lafayette will consider the adoption of Ordinance No. 688 adding a new Chapter 8-23 ("Gas Powered Leaf Blowers") to the Lafayette Municipal Code. The following is a summary of the proposed Ordinance:

Effective July 1, 2024, under this Ordinance 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, as those terms are defined in the Ordinance. The Ordinance will also provide for certain exceptions to this prohibition, and establish a penalty for violation of the Ordinance.

Note: The above is a simply a summary of the Ordinance. To obtain a full understanding of the Ordinance, it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of copying of the document.

Date: September 27, 2023
Joanne Robbins, City Clerk

CCT 6782313; Oct. 4, 2023

Contra Costa Times

2121 N. California Blvd., Ste. 290
Walnut Creek, CA 94596
925-943-8019

2010502

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE
3675 MT. DIABLO BLVD., #210
LAFAYETTE, CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Joanne Robbins Ord 688

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.


I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/16/2023

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 16th day of October, 2023.

Signature



Legal No. **0006785564**

NOTICE AND SUMMARY OF ORDINANCE NO. 688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE ADDING CHAPTER 8-23 ENTITLED "GASOLINE POWERED LEAF BLOWERS" TO TITLE 8 (PUBLIC WELFARE, MORALS, AND SAFETY) OF THE LAFAYETTE MUNICIPAL CODE

Notice is hereby given that on October 10, 2023, the City Council of the City of Lafayette adopted Ordinance No. 688 adding a new Chapter 8-23 ("Gas Powered Leaf Blowers") to the Lafayette Municipal Code. The following is a summary of the Ordinance:

Effective July 1, 2024, this Ordinance prohibits the use or operation of any gasoline powered leaf blower for any purpose by any resident of the City, or by City staff or contractors on City property, and for commercial purposes by any landscape maintenance business, as those terms are defined in the Ordinance. The Ordinance also provides for certain exceptions to this prohibition, and establishes a penalty for violation of the Ordinance.

The Ordinance was adopted by the City Council by the following vote:

For: Anduri, Dawson, Candell, Gerringer and Kwok
Against: None
Abstain: None
Absent: None

Note: The above is simply a summary of the Ordinance. To obtain a full understanding of the Ordinance, it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of copying of the document.

Date: October 11, 2023
Joanne Robbins, City Clerk
CCT 6785564; Oct. 16, 2023