

*This proposed ordinance is submitted by San Diegans for Sustainable, Equitable, and Quiet Equipment in Landscaping (SD-SEQUEL) and the San Diego Chapter of the Sierra Club. Please note that this draft cannot be used as representations of Sierra Club's point of view unless approved by appropriate Sierra Club officials.*

### **Proposed City of San Diego Leaf Blower Ordinance**

**Title:** "City of San Diego Leaf Blower Ordinance"

**Proposal by:** SD SEQUEL and the Sierra Club Zero Waste Committee

**Purpose and Intent:**

The Purpose of this proposed Ordinance is to establish standards to reduce greenhouse gas emissions, safeguard the health of landscaping equipment operators, reduce noise for the protection of human hearing, protect the natural environment, increase sustainability, and improve the quality of life within the City of San Diego.

"Leaf Blower" is defined as any portable, hand-held or backpack air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris.

**Whereas**, the City of San Diego is committed to a cleaner, healthier environment for all residents of and visitors to the City of San Diego;

**Whereas**, the City of San Diego is in need of proven mechanisms for reducing greenhouse gas and complying with its Climate Action Plan;

**Whereas**, many Leaf Blowers use 2-stroke engines that produce a disturbingly large amount of greenhouse gas emissions and particulate matter, fugitive dust, secondary organic aerosols, carbon monoxide, aromatic hydrocarbons and nitrous oxide, thus contributing to an increase in global warming and local smog, as well as threatening the health of landscape workers and others exposed to the pollution from 2-stroke leaf blowers;

**Whereas**, Leaf Blowers may use 2-stroke engines that are harmful to the health of the blowers operators;

**Whereas**, Leaf blowers contribute to the discharge of pollutants, specifically organic contaminants into the City's storm drain conveyance systems, and organic contaminants degrade the quality of receiving waters;

**Whereas**, Numerous other cities in San Diego County including Coronado, Del Mar, Encinitas, and Solana Beach, have successfully banned 2-cycle leaf blowers;

**Whereas**, Portable engine powered Leaf Blowers can cause disturbing, excessive or offensive noises that frequently violate the City's noise ordinances;

**Whereas**, Banning gas-powered leaf blowers in one community may allow the current gas-powered leaf blowers to be used in another community;

**Whereas**, A ban on gas-powered leaf blowers may cause economic hardship to members of underserved communities;

**Whereas**, The potential adverse economic impact on landscape operators can and should be avoided by establishing a trade-in program;

**Whereas**, It would be most efficient and the least cumbersome for such a program to be operated by the San Diego Air Pollution Control District, which may be able to obtain funds for such a program from the California

Air Resources Board or can otherwise obtain the funds; and can facilitate the adoption of leaf blower ordinances by jurisdictions throughout the County;

**Whereas,** Some electric powered leaf blowers are also noisy, and therefore any trade-in program should assure that the noise level of no greater than 65 dBA is generated.

**Whereas,** The City of San Diego will urge the San Diego Air Pollution Control District to create such a fund to provide coupons for the purchase of equipment, or the equipment itself that is powered by electricity and is determined to be able to generate noise levels no greater than 65 dBA, which the majority of electric leaf blowers can attain.

**Whereas,** The City is willing to contribute to such a fund and assist in the distribution of coupons for the purchase of electric replacement equipment, or distribution of the equipment itself;

**Whereas,** If the San Diego Air Pollution Control District is unwilling to create such a program, the City is willing to do so;

**Whereas,** Community Education is very important to the success of a trade-in program.

**Therefore,** The City will develop and distribute educational materials on the personal and public health hazards caused by gasoline powered leaf blowers and notifying landscape workers of the availability of any buy back or trade in program. The [City to specify] Department will prepare such materials and circulate them to nurseries, garden supply stores, hardware stores, and other businesses or organizations that interface with landscape workers at least 90 days before any penalties shall be imposed for violation of this ordinance. The City will also attempt to alert the general public, including property owners and occupants, to the importance of avoiding use of 2-stroke gasoline powered leaf blowers and the existence of a City ordinance prohibiting the use of such leaf blowers.

**Therefore,** The City is resolved to adopt the following ordinance:

**Prohibition of Gas-Powered Leaf Blowers:**

It is unlawful for any person to use or operate within the San Diego City limits any leaf blower powered by a combustion or gas-powered engine ninety (90) days after the San Diego Air Pollution Control District, the City of San Diego, or any other agency establishes a buy-back or trade in program for all operating gasoline powered leaf blowers.

**Collection of Yard Waste:**

It is unlawful for any person operating a leaf blower within the San Diego City limits to push the waste onto City's sidewalks or streets, or cause it to enter another property, because it may eventually enter the City's storm drain system or go directly into waterways in the City.

**Use of Leaf Blowers:**

Leaf Blowers powered by electricity, whether by electric cord or battery, are allowed, but may not be used in the City of San Diego before or after the hours specified for construction equipment in the City's noise ordinance.

No person shall operate a Leaf Blower without attachment of all mufflers and full extension blower tubes supplied by the manufacturer for that leaf blower.

**Enforcement and Remedies:**

Enforcement shall take place in response to complaints reported to the designated City department.

Each violation of this Ordinance shall be considered a separate offense.

Any person violating this ordinance may be issued a civil fine by the City Manager or her/his representative. Violations will be assessed fines according to the following schedule:

First Violation: A written warning to the operator of the blower and to the owner or occupant of the property, including information about how to obtain electric equipment in a trade-in program and what the penalties will be for future violations;

Second Violation: \$100;

Third Violation: \$200;

Fourth Violation: \$500; and

Fifth and Subsequent Violations: \$1000

All penalties will be shared equally between the operator of the leaf blower and the owner or occupant of the property, except for the second violation if the owner or occupant can show that they have given written notice to the operator not to use a gasoline leaf blower prior to the second violation.

**Exemptions:** Emergency work performed by a City department and any activity preempted by Federal, State or local laws.

**Effective Date:** This Ordinance shall become operative as to the use of leaf blowers by City employees and contractors working at City facilities, and during City-sponsored events, as of the effective date of this Ordinance,

This Ordinance shall become operative as to all other landscaping workers and contractors, and to owners and operators of property within the City of San Diego, within three months after a trade-in program is established by the San Diego Air Pollution Control District or the City of San Diego.

Within 15 days of the adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

### **Trade-In Program**

If the San Diego Air Pollution Control District does not create and administer a Leaf Blower trade-in program, the City will adopt a program so that City residents and property owners can either: 1) obtain a coupon to cover part or all of the costs of a new electric powered leaf blower that cannot exceed noise levels of 65 dBA; or 2) can obtain from the City an electric leaf blower that generates noise of no greater than 65 dBA. These options are necessary to mitigate the adverse economic impacts of purchasing new equipment.

The City Council authorizes \_\_\_ dollars for trade-ins in the first year of the ordinance, and \$\_\_\_ in year hereafter, until \$\_\_\_ has been expended for replacements.

The City will offer a City-funded trade-in program so that residents and business-owners can trade-in their current gas-powered blower, using one of two options.

- 1) Direct trade-in allows operators to exchange their current gas-powered blower for an electric blower provided by the City or a coupon for the purchase of a low noise generating electric blower.

- 2) An Application for an exchange or coupon must be submitted with the following information:
  - i. Proof of purchase;
  - ii. Date of purchase; and
  - iii. Proof of residency or Proof of business registration in the City of San Diego.

The exchange or rebate program shall be initiated on [DATE] and expire on [DATE], or upon the funds being depleted, whichever comes first.