



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: May 7, 2019

Agenda Item 9-C

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

Department: Community Development
Prepared By: Christopher Wright, Associate Planner II CW

Subject: **REGULATION OF THE OPERATION OF LEAF BLOWERS**

Fiscal Impact: None. This item is limited to code changes that do not require expenses.

Summary: The Planning Commission recommends the City Council adopt an ordinance for the regulation of leaf blowers in Title 8, Health and Safety, of the San Clemente Municipal Code. Staff recommends certain modifications to the Planning Commission-recommended ordinance, contained in a proposed, alternative ordinance.

Background: In response to public comments, on March 20, 2018, the City Council received a report on the operation of leaf blowers and directed staff to draft an ordinance to regulate them specifically. The Council did not want to ban all leaf blowers, but establish regulations on gas-powered leaf blowers. Staff was also directed to: 1) reach out to stakeholders, 2) consult with the Code Compliance Division on enforcement, 3) consider what other cities are doing on the issue, particularly the City of Dana Point; and 4) consider alternatives to leaf blowers, such as leaf vacuums or requiring leaves to be picked up manually.

On November 8, 2018 and February 6, 2019, the Planning Commission held public hearings to consider the issue and recommended approval of a proposed ordinance, provided as Attachment 1. A version of the ordinance showing tracked changes is provided as Attachment 2. An alternative version of the ordinance recommended by staff is provided as Attachment 3. There has been public testimony and written comments in support of restrictions or a full ban on gas-powered leaf blowers. For additional background information, please refer to Attachment 5 for the March 20, 2018 City Council report and minutes, and Attachment 6 for Planning Commission staff reports.

Discussion: Complaints about leaf blower operations largely concern air emissions, airborne dust, and noise levels. Within the last two years, the Code Compliance division has received 11 complaints about leaf blowers. Seven complaints involved noise, mostly about leaf blowers operated early in the morning. The other four complaints were about air quality issues from dust blown into the air and exhaust from gasoline engines.

The San Clemente Municipal Code (SCMC) does not specifically regulate leaf blowers, but general controls on noise and dust are in the City's Noise Ordinance. Several activities are exempt from the noise and dust restrictions, such as City operations. Activities associated with the Weed Abatement Program, permitted

construction projects, and property maintenance are exempt between 7 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 6 p.m. on Saturday, excluding holidays.

The following is a summary of: 1) the ordinance recommended by the Planning Commission, 2) an alternative ordinance proposed by staff, and 3) research directed by Council on equipment, operations, and other cities' codes to inform the development of leaf blower regulations. The results of this research is also provided as attachments.

Planning Commission Proposed Ordinance Summary

The proposed ordinance adds definitions and specific regulations for leaf blowers in Chapter 8.50 for Leaf Blower Operation as follows:

- Definitions are added for "parcel" and "leaf blower" based on the City of Dana Point's leaf blower definition. Also, general noise standard sections are updated to reference the new leaf blower regulations.
- There is a limitation on dispersing dirt, dust and debris onto adjacent parcels and leaf blower operations are limited from 9:00 a.m. to 5:00 p.m. Monday through Saturday on certain property. The operating hour restrictions apply to residential property, unless residents use battery-powered leaf blowers less than ten minutes. Mixed-use, commercial, industrial, and recreation areas within 200 feet of residential property must meet the operating hour restrictions.
- Blower operation is prohibited on Sundays and holidays.
- City maintained property is exempt from operating-hour limits when activities are 200 feet or more from residential property.
- Commercially operated (as currently defined by SCMC) leaf blowers must have identifying information and a certification label that the leaf blower does not produce more than 65 decibels of noise at a 50 foot distance from the blower.

The ordinance was drafted in consultation with the Code Compliance Manager to ensure restrictions can be enforced effectively. When a complaint is received, it typically takes up to 48 hours before a code compliance officer can investigate in person to verify the complaint. The officer would determine if a leaf blower noise complaint meets the criteria of a violation of the SCMC. If a complaint is verified, a case is opened and an investigation initiated.

Any violation of the ordinance could result in a notice of correction or a citation. In addition to existing limits on exterior noise levels, the proposed ordinance regulates how, when, and where leaf blowers may be used. Compliance with these types of rules is typically easier to verify than noise level thresholds that must be observed with a noise meter. By the time an officer may verify a noise complaint, it is common for leaf blower activity to move or end which can make it challenging for an officer to take reliable noise measurements to determine if there is a code violation.

Staff Recommended Alternative Ordinance Summary

Following the Planning Commission meeting, staff has identified several concerns with the complexity and enforceability of the regulations in the ordinance the Planning Commission supported (Attachment 1). Staff recommends the City Council adopt an alternative ordinance with several revisions to the regulations the Planning Commission supported. The alternative ordinance is Attachment 3 and the revisions are shown in Attachment 4. Below is a summary of staff's concerns and the revisions staff recommends.

1. Improve the enforceability of operating hour restrictions by simplifying them. The proposed ordinance contains multiple standards for different types of property and whether the City maintains areas or not. There is also an exemption that allows residents to use battery-powered leaf blowers less than 10 minutes Monday through Saturday from 5 p.m. to 9 a.m. The exemption creates the potential for noise complaints and is difficult to enforce. To address these concerns, the alternative ordinance applies operating hour restrictions to all property and eliminates noise limit exemptions within 200 feet for certain activities, such as Weed Abatement Program and City maintenance. Lastly, the 10-minute resident exemption for battery-operated blowers is removed.
2. Correct section references. Leaf blower operations are referenced in a subsection for prohibited noises (SCMC 8.48.070) and should be included in exemptions (SCMC 8.48.090), provided the new leaf blower limitations are met.
3. Clarify and phase-in noise standards for gas leaf blowers. The State requires new gas-powered leaf blowers to meet the 65 decibel noise level standards from 50 feet. The proposed ordinance would require gasoline-powered leaf blowers to meet this noise standard immediately. Staff has two concerns. First, the State 65 decibel noise standard only applies to gasoline-powered leaf blowers, not battery-powered leaf blowers. Therefore, staff recommends revisions that clarify this. Second, the ordinance does not include a phase-in period for commercially operated gasoline-leaf blowers to meet the 65 decibel noise standard. Staff recommends adding a one-year phase-in period.

Equipment, Operations, and other Codes

As Council directed, staff researched leaf blower issues and consulted with stakeholders, including local landscapers, residents who commented at hearings, State air regulatory agencies, other cities, and surveyed homeowners associations. Below is a summary of staff's key findings from this research. For more details, please refer to the Planning Commission staff reports (Attachment 6).

1. Gas-powered blowers are preferred by landscapers.

Local landscapers and City maintenance staff prefer gas-powered leaf blowers over alternatives, such as gas-powered vacuums, battery-powered blowers, or manual debris removal. According to those surveyed, gas-powered leaf blowers are more powerful, have a lower operating cost, and can be used for a longer

duration. Therefore, it typically takes less time to complete a cleanup task with a gas-powered leaf blower than other options.

2. Replacement of older equipment reduces noise and air emissions.

Since leaf blowers were introduced in the 1970s, the State has required manufactures of gas powered leaf blowers and vacuums to produce equipment that will meet increasingly more restrictive air quality and noise standards. There are State programs to incentivize the replacement of less efficient leaf blowers with newer models that meet current standards. Information on existing regulations and programs is provided as Attachment 8.

3. Operating-hour needs vary for City maintenance staff.

The SCMC currently exempts property maintenance-related noise which exceeds the permitted decibel levels between 7 a.m. and 6 p.m. on weekdays, and 8 a.m. and 6 p.m. on Saturdays, excluding holidays. Landscapers indicated they typically operate from 7 a.m. until about 3 p.m. If the City decided to further restrict these hours to between 9 a.m. and 5 p.m., landscapers stated they could comply, but City maintenance staff wants more flexibility in operating hours. City staff needs to start work at 7 a.m. to clean up public facilities and rights-of-way before businesses open and recreational activities start. To provide more flexibility, the Planning Commission supported an operating-hour exemption for City maintenance 200 feet or more from residential property. The exemption provides more controls near sensitive uses, but maintains the City maintenance staff's ability to clear areas in front of businesses and public spaces when they aren't in use, which is business friendly and allows the City to use resources more efficiently.

4. City limits on operating hours and noise levels were common.

Of the cities studied with leaf blower ordinances, they commonly limit hours of operation and noise levels at 65 decibels to match the latest ANSI noise standard. Attachment 9 provides a summary of other cities' regulations. The City of Dana Point limits leaf blowers in residential, commercial, and recreational areas within two hundred feet of a residential area to 9:00 a.m. to 5:00 p.m. Monday through Saturday, and prohibits them on legal holidays. It also sets limitations on noise levels not to exceed 65 to 70 dB(A), depending upon the date of purchase. Dana Point's code compliance staff mentioned it is often difficult to enforce dB(A) measurements, so they rely on time restrictions and public outreach to enforce leaf blower restrictions.

**Recommended
Action:**

THE PLANNING COMMISSION RECOMMENDS THAT the City Council:

1. Introduce an ordinance entitled as: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND ADDING CHAPTER 8.50, LEAF BLOWER OPERATION."

STAFF RECOMMENDS THAT THE CITY COUNCIL introduce the alternative ordinance, provided as Attachment 3 and described above.

Attachments:

1. Proposed Ordinance (supported by Planning Commission)
2. Tracked changes version of proposed Ordinance
3. Alternative Ordinance recommended by staff
4. Tracked changes version of alternative ordinance
5. City Council staff report and minutes for March 20, 2018 meeting
6. Planning Commission staff reports and minutes for November 8, 2018 and February 6, 2019 meetings
7. Public comments
8. Summary of existing regulations and programs for leaf blowers
 - Exhibit A - Excerpt of existing City regulations
 - Exhibit B - Latest CARB air quality standards
 - Exhibit C - SCAQMD rebate program information
9. Summary of other city leaf blower regulations
 - Exhibit A - Survey on jurisdictions with leaf blower bans
10. Article regarding Tesla's plans to develop electric leaf blower

Notification: Ad in Sun Post and contacts who commented or requested information

ATTACHMENT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION.

WHEREAS, the City Council desires to update and amend the provisions of the City's noise control ordinance that are set forth in Title 8 of the San Clemente Municipal Code;

WHEREAS, on March 20, 2018, the City Council of the City of San Clemente received a report and presentation and heard public input regarding leaf blowers and directed staff and the Planning Commission to develop a leaf blower ordinance;

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on amendments to San Clemente Municipal Code Code Title 8, hereinafter referred to as Zoning Amendment ("ZA") 18-497, and considered evidence presented by City staff and other interested parties and tabled said ordinance to a date uncertain to allow time for revisions;

WHEREAS, on January 24, 2019, the City gave proper notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation notice of a Planning Commission public hearing at which the ordinance would be considered;

WHEREAS, on February 6, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing on ZA 18-497 and considered evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Resolution No. PC 18-025;

WHEREAS, on May 7, 2019, the City Council held a duly noticed public hearing on the subject recommendation, and considered evidence presented by City staff, and other interested parties and the recommendation of the Planning Commission; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this code amendment in accordance with the California Environmental Quality Act (CEQA). The City Council has determined that the project is exempt from CEQA on the theory that adoption of the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection of

Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, the City Council of the City of San Clemente hereby ordains as follows:

Section 1: CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, and the facts outlined below, the City Council hereby finds and determines that the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) because there is no potential to result in significant environmental effects, as the ordinance clarifies the City's noise ordinance specific to leaf blowers, including limiting hours of operation.

Should the ordinance be considered a project, the City Council hereby finds and determines it is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment. The Class 8 exemption specifically exempts from further CEQA review actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. The ordinance provides for protection of the environment through limiting the hours of operation for leaf blowers in order to reduce noise.

The City Council also hereby finds and determines the ordinance is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15307 (Class 7): Actions by Regulatory Agencies for Protection of Natural Resources. The Class 7 exemption specifically exempts from further CEQA review actions taken by regulatory agencies for the maintenance, restoration, or enhancement of a natural resource. The ordinance protects natural resources through regulations imposed on the operation of leaf blowers.

Section 2: Municipal Code Amendments

Section 8.48.020 - Definitions, is amended to include the definitions as follows:

8.48.020 Definitions.

"Leaf Blower" means any portable power equipment designed or operated to produce a current of air by fuel, electricity, or other means to push, propel, or blow dust, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris.

"Parcel" means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the Office of the County Recorder.

Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.070 - Specific noises prohibited, Subsection Q is repealed and replaced and Subsection R is added as follows:

- Q. Leaf Blower Operation. Refer to Chapter 8.50.
- R. Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions.

Section 8.48.090(G) – Exemptions from Chapter, is amended as follows:

- G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) a.m. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) a.m. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

- A. The use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday on any residential property (as defined in Chapter 8.48.020 - Definitions). For mixed-use, commercial, industrial, and recreational areas, within two hundred (200) feet of a residential property, the restricted hours of operation noted above shall apply. The use and operation of leaf blowers is further prohibited on a City recognized holiday. City-maintained property, including but not limited to parks, parkways, trails and right-of-way, shall be exempt from the restrictions on hours of operation listed above except within 200 feet of residential property. Homeowners of single-family residences shall be exempt from the restrictions [on hours of operation] provided they use all-electric blowers for less than ten minutes in duration.
- B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- C. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business

address, (3) their business telephone number, (4) their City-issued business license number, and (5) a manufacturer certification label from the American National Standards Institute ("ANSI") certifying the leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

- D. The use and operation of a leaf blower must comply with the provisions of SCMC sections 8.48.050 and 8.48.060.

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 4: The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this ___ day of ___, 2019.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of __, 2019, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the __ day of __, 2019, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this __ day of __, 2019.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

Section 8.48.020 - Definitions, is amended to include the definitions as follows:

“Leaf Blower” means any portable power equipment designed or operated to produce a current of air by fuel, electricity, or other means to push, propel, or blow dust, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris.

“Parcel” means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the Office of the County Recorder. Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.070 - Specific noises prohibited, Subsection Q is repealed and replaced and Subsection R is added as follows:

- Q. - ~~Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions.~~ Leaf Blower Operation. Refer to Chapter 8.50.
- R. Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions.

Section 8.48.090(G) – Exemptions from Chapter, is amended as follows:

- G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

- A. The use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday on any residential property (as defined in Chapter 8.48.020 - Definitions). For mixed-use, commercial, industrial, and recreational areas, within two hundred (200) feet of a residential property, the restricted hours of operation noted above shall apply. The use and operation of leaf blowers is further prohibited on a City recognized holiday. City-maintained property, including but not limited to parks, parkways, trails and right-of-way, shall be exempt from the restrictions on hours of operation listed above except within 200 feet of residential property. Homeowners of single-family residences shall be exempt from the restrictions [on hours of

operation] provided they use all-electric blowers for less than ten minutes in duration.

- B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- C. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, (4) their City-issued business license number, and (5) a manufacturer certification label from the American National Standards Institute ("ANSI") certifying the leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).
- D. The use and operation of a leaf blower must comply with the provisions of SCMC sections 8.48.050 and 8.48.060.

ATTACHMENT 3

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION.

WHEREAS, the City Council desires to update and amend the provisions of the City's noise control ordinance that are set forth in Title 8 of the San Clemente Municipal Code;

WHEREAS, on March 20, 2018, the City Council of the City of San Clemente received a report and presentation and heard public input regarding leaf blowers and directed staff and the Planning Commission to develop a leaf blower ordinance;

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on amendments to San Clemente Municipal Code Code Title 8, hereinafter referred to as Zoning Amendment ("ZA") 18-497, and considered evidence presented by City staff and other interested parties and tabled said ordinance to a date uncertain to allow time for revisions;

WHEREAS, on January 24, 2019, the City gave proper notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation notice of a Planning Commission public hearing at which the ordinance would be considered;

WHEREAS, on February 6, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing on ZA 18-497 and considered evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Resolution No. PC 18-025;

WHEREAS, on May 7, 2019, the City Council held a duly noticed public hearing on the subject recommendation, and considered evidence presented by City staff, and other interested parties and the recommendation of the Planning Commission; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this code amendment in accordance with the California Environmental Quality Act (CEQA). The City Council has determined that the project is exempt from CEQA on the theory that adoption of the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection of

Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, the City Council of the City of San Clemente hereby ordains as follows:

Section 1: CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, and the facts outlined below, the City Council hereby finds and determines that the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) because there is no potential to result in significant environmental effects, as the ordinance clarifies the City's noise ordinance specific to leaf blowers, including limiting hours of operation.

Should the ordinance be considered a project, the City Council hereby finds and determines it is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment. The Class 8 exemption specifically exempts from further CEQA review actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. The ordinance provides for protection of the environment through limiting the hours of operation for leaf blowers in order to reduce noise.

The City Council also hereby finds and determines the ordinance is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15307 (Class 7): Actions by Regulatory Agencies for Protection of Natural Resources. The Class 7 exemption specifically exempts from further CEQA review actions taken by regulatory agencies for the maintenance, restoration, or enhancement of a natural resource. The ordinance protects natural resources through regulations imposed on the operation of leaf blowers.

Section 2: Municipal Code Amendments

Section 8.48.020 - Definitions, is amended to include the definitions as follows:

8.48.020 Definitions.

"Leaf Blower" means any portable power equipment designed or operated to produce a current of air by fuel, electricity, or other means to push, propel, or blow dust, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris.

"Parcel" means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the Office of the County Recorder.

Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.090 – Exemptions from Chapter, Subsection G is amended as follows, and Subsection P is added, as follows:

- G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
- P. Leaf Blower Operation. Refer to Chapter 8.50.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

- A. The use and operation of leaf blowers shall only occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. Leaf blower operations for activities exempted from noise standards in Chapter 8.48, such as City maintenance and Weed Abatement Program activities, shall only occur during these operating hour restrictions when leaf blowers are operated within 200 feet of residential uses.
- B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- C. Commercially operated leaf blowers operated after May 7, 2020 shall meet the requirements in this Subsection. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, and (4) their City-issued business license number. In addition, commercially operated gasoline-powered leaf blowers must affix a manufacturer certification label from the American National Standards Institute ("ANSI") certifying gas leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or

more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 4: The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this ___ day of ____, 2019.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of __, 2019, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the __ day of __, 2019, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this __ day of __, 2019.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA
FINDINGS AND AMENDING THE CITY OF SAN
CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48,
NOISE CONTROL AND CHAPTER 8.50 RELATED TO
STANDARDS FOR LEAF BLOWER OPERATION.**

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WHEREAS, on November 8, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on amendments to San Clemente Municipal Code Code Title 8, hereinafter referred to as Zoning Amendment ("ZA") 18-497, and considered evidence presented by City staff and other interested parties and tabled said ordinance to a date uncertain to allow time for revisions;

WHEREAS, on January 24, 2019, the City gave proper notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation notice of a Planning Commission public hearing at which the ordinance would be considered;

WHEREAS, on February 6, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing on ZA 18-497 and considered evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Resolution No. PC 18-025;

WHEREAS, on May 7, 2019, the City Council held a duly noticed public hearing on the subject recommendation, and considered evidence presented by City staff, and other interested parties and the recommendation of the Planning Commission; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this code amendment in accordance with the California Environmental Quality Act (CEQA). The City Council has determined that the project is exempt from CEQA on the theory that adoption of the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7) Actions by Regulatory Agencies for Protection of

Natural Resources and 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, the City Council of the City of San Clemente hereby ordains as follows:

Section 1: CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, and the facts outlined below, the City Council hereby finds and determines that the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) because there is no potential to result in significant environmental effects, as the ordinance clarifies the City's noise ordinance specific to leaf blowers, including limiting hours of operation.

Should the ordinance be considered a project, the City Council hereby finds and determines it is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment. The Class 8 exemption specifically exempts from further CEQA review actions taken by regulatory agencies to assure the maintenance, restoration, enhancement or protection of the environment. The ordinance provides for protection of the environment through limiting the hours of operation for leaf blowers in order to reduce noise.

The City Council also hereby finds and determines the ordinance is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15307 (Class 7): Actions by Regulatory Agencies for Protection of Natural Resources. The Class 7 exemption specifically exempts from further CEQA review actions taken by regulatory agencies for the maintenance, restoration, or enhancement of a natural resource. The ordinance protects natural resources through regulations imposed on the operation of leaf blowers.

Section 2: Municipal Code Amendments

Section 8.48.020 - Definitions, is amended to include the definitions as follows:

8.48.020 Definitions.

"Leaf Blower" means any portable power equipment designed or operated to produce a current of air by fuel, electricity, or other means to push, propel, or blow dust, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris.

"Parcel" means an area of real property with a separate or distinct number or other designation shown on a plat recorded in the Office of the County Recorder.

Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.090 – Exemptions from Chapter, 070 – Specific noises prohibited, Subsection Q is amended as follows, ~~repealed and replaced~~ and Subsection PR is added, ~~as follows:~~

~~Q. Leaf Blower Operation. Refer to Chapter 8.50.~~

~~R. Prima facie violation. Any of the above noises violating the provisions of Sections 8.48.050 or 8.48.060 of this chapter shall be considered a prima facie violation of these provisions.~~

Section 8.48.090(G) – Exemptions from Chapter, is amended as follows:

G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

P. Leaf Blower Operation. Refer to Chapter 8.50.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

A. ~~The use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday on any residential property (as defined in Chapter 8.48.020 – Definitions). For mixed-use, commercial, industrial, and recreational areas, within two hundred (200) feet of a residential property, the restricted hours of operation noted above shall apply. The use and operation of leaf blowers is further prohibited on a City recognized holiday. City maintained property, including but not limited to parks, parkways, trails and right-of-way, shall be exempt from the restrictions on hours of operation listed above except within 200 feet of residential property. Homeowners of single-family residences shall be exempt from the restrictions [on hours of operation] provided they use all electric blowers for less than ten minutes in duration shall only occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. Leaf blower operations for activities exempted from noise standards in Chapter 8.48, such as City maintenance and Weed Abatement Program activities, shall only occur during these operating hour restrictions when leaf blowers are operated within 200 feet or residential uses.~~

B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any ~~adjacent or~~ other parcel, land, lot, street,

alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.

- C. Commercially operated leaf blowers operated after May 7, 2020 shall meet the requirements in this Subsection. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, and (4) their City-issued business license number. In addition, commercially operated gasoline-powered leaf blowers must affix, and (5) a manufacturer certification label from the American National Standards Institute ("ANSI") certifying gasthe leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

~~D. The use and operation of a leaf blower must comply with the provisions of SCMC sections 8.48.050 and 8.48.060.~~

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 4: The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this ___ day of ___, 2019.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of __, 2019, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the __ day of __, 2019, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this __ day of __, 2019.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

to an amenity); and 5) Requested that Staff consider implementing a mobile wayfinding application and/or using the All Trails application to educate the public about parks, trails, etc.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to adopt Resolution No. 18-07 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 2018 BEACHES, PARKS AND RECREATION MASTER PLAN; AND AMENDING RESOLUTION NO. 99-46.

8. **UNFINISHED BUSINESS**

None.

MEETING RECESSED

Council recessed at 8:10 p.m. and reconvened at 8:17 p.m., with all members present, except Mayor Pro Tem Hamm.

9. **NEW BUSINESS**

A. **Leaf Blower Ordinance Update**

Report from the Community Development Director concerning Council direction regarding a potential update for a Leaf Blower Ordinance.

Senior Planner Stiehl reviewed the contents of the Administrative Report.

Terry Otsuki Kwa, San Clemente, voiced concern with the noise, exhaust fumes and pollution associated with gas-powered leaf blowers; distributed copies of an Orange County Grand Jury Report entitled "Leaf Blower Pollution Hazards in Orange County", which is on file with the City Clerk; urged that gas-powered leaf blowers be banned in San Clemente.

Michele Schumacher, San Clemente, stated that leaf blowers are noisy and hinders the ability of birds and beneficial insects to thrive; voiced concern that leaf blowers send cancer-causing pesticides, herbicides and animal waste particles into the air, which are then ingested by humans; urged that leaf blowers be banned.

Paul Koenigshofer, San Clemente, spoke on the harmful effects of leaf blowers in terms of health, noise and environmental impacts; asserted that emissions from leaf blowers cause pollution.

Sabine Kuhne, San Clemente, spoke in opposition to leaf blowers because they disturb peace and quiet and can negatively affect health; stated that 300 cities nationwide have banned leaf blowers.

Council directed that Staff and the Planning Commission develop a Leaf Blower Ordinance. Council indicated that it is not interested in banning all leaf blowers, but may consider establishing regulations on their use or possibly banning gas-powered leaf blowers. Specific directions were provided as follows:

- City is to reach out to stakeholders (e.g., landscaping companies, South Orange County Management District, etc.).
- Code Enforcement is to report on enforcement processes should additional restrictions be contemplated.
- City to consider what other cities are doing, especially as it relates to decibel levels, hours of operation, and gas versus electric blowers.
- City to contemplate leaf vacuums versus leaf blowers.
- City to consider requiring leaves to be picked up and not simply blown to another location.
- City to review the City of Dana Point's leaf blower ordinance.

B. Orange County Transportation Authority (OCTA) Grant Submittal for San Clemente Trolley and Rideshare Beta Test Rider Programs

Report from the Public Works Director/City Engineer concerning a grant submittal to OCTA for the San Clemente Trolley and Rideshare Beta Test Rider Programs.

Public Works Director/City Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER SWARTZ, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (MAYOR PRO TEM HAMM ABSENT), to:

1. Authorize the submittal of Measure M2 (Project V) grant application to OCTA for San Clemente Trolley and Rideshare Beta Test Rider programs. The application is to request funding for Option 1 (Daily



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: March 20, 2018

Agenda Item 9A
Approvals: _____
City Manager [Signature]
Dept. Head [Signature]
Attorney _____
Finance [Signature]

Department: Community Development Department, Planning Division
Prepared By: Carl Stiehl, Senior Planner

Subject: **LEAF BLOWER ORDINANCE UPDATE**

Fiscal Impact: None.

Summary: Staff recommends that the Council provide direction to Staff and the Planning Commission regarding a Leaf Blower Ordinance.

Background: On February 6, 2018 the Council requested consideration of a discussion of leaf blower regulations on a future agenda. The Council inquired about gas leaf blowers vs. non-gas leaf blowers, the City's use of leaf blowers vs. private citizen use of leaf blowers, and the City's enforcement of leaf blowers presently. The Councilmembers requested research into leaf blower ordinances in other cities, including Los Angeles, Dana Point, Laguna Beach and Newport Beach. The Council directed that the Planning Commission consider the issue.

Discussion: The City currently has no ordinance in place specific to leaf blowers. The City has Noise Control within Title 8 – Health and Safety within City Code. The following are Noise Control Prohibitions and Exemptions found in Chapter 8.48 Noise Control that may currently be applicable to leaf blowers related to noise:

8.48.070 - Specific noises prohibited:

G. Blowers and fans. The operation of any noise-creating blower or power fan, unless the noise from such blower or fan is muffled.

8.48.090 - Exemptions from Chapter

G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

Different types of Leaf Blowers

In comparing gas powered leaf blowers vs non-gas (electric) leaf blowers, in general, gas leaf blowers are heavier, cost more, require more fueling, more maintenance and are the most noisy. Electric blowers cost less, generally weigh less and are less noisy. In general the advantage to gas leaf blowers is that they tend to be more powerful for

blowing leaves than electric leaf blowers. City Public Works maintenance crews currently use gas powered leaf blowers. As part of preparation of an ordinance, staff would conduct additional outreach related to the private use of leaf blowers.

Leaf Blower Exchange Program

Since 2006, the South Coast Air Quality Management District has an annual leaf blower exchange program where people can turn in their gas powered leaf blowers in exchange for a discounted electric leaf blower. The purpose of the program is to eliminate noisy, high-polluting back pack leaf blowers for new low emission/low noise backpack leaf blowers. This program already contributes to reducing both noise and emission impacts within the City.

Other Jurisdiction Research

The following is a summary of research regarding other jurisdictions for reference. For additional information on each jurisdiction and a Code Enforcement Association Survey on leaf blower bans, please see Attachment 1.

Los Angeles

Municipal Code bans the use of the gas powered leaf blower device to minimize the nuisance and health related problems attributed to this type of equipment.

Newport Beach

Gas leaf blowers are prohibited in residential neighborhoods with some exceptions, such as a common interest development of five or more units may opt-out of the leaf blower prohibition.

Dana Point

In residential areas, leaf blowers are prohibited except from 9:00am to 5:00pm Monday through Saturday. Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is further limited to specific noise levels.

Laguna Beach

Both gas and electric leaf blowers are banned within city limits.

Staff Recommendations

Related to preparing a leaf blower ordinance, staff would recommend the following considerations, should the issue be referred to the Planning Commission:

- Outreach to potential stakeholders related to the ordinance, such as local landscaping companies and the South Coast Air Quality Management District.
- Discussion with Public Works regarding replacing City maintenance crew gas powered leaf blowers with electric leaf blowers.

- Discussion with Code Compliance regarding preferred methods for enforcement related to leaf blowers, should additional restrictions be proposed in an ordinance.
- Preparation of a draft ordinance related to direction from City Council and research from other jurisdictions for the Commission's consideration.

Climate Action Plan

Reducing gas powered leaf blowers in the City by either replacing them with electric blowers or eliminating them, contributes in part to reducing greenhouse gas emissions in the City related to the implementation of the Climate Action Plan helping to meet future emission reduction targets.

Recommended

Action: STAFF RECOMMENDS THAT THE CITY COUNCIL PROVIDE DIRECTION TO STAFF AND THE PLANNING COMMISSION REGARDING A POTENTIAL LEAF BLOWER ORDINANCE.

Attachments: 1. Code Enforcement Association Survey Re: Leaf Blowers

Notification: N/A

ATTACHMENT 6

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
February 6, 2019 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

3. ROLL CALL

Commissioners Present: Jason Talley, Zhen Wu; Chair pro tem Michael Blackwell,
Vice Chair Jim Ruehlin, Chair Barton Crandell

Commissioners Absent: Donald Brown, Chris Kuczynski

Staff Present: Gabriel J. Perez, City Planner
Carl Stiehl, Senior Planner
Veronica Morones, Assistant Planner
Jonathan Lightfoot, Assistant Planner
Amy Stonich, Contract Planner
Adam Atamian, Code Compliance Manager
Michael Allocco, Planning Intern
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

8. PUBLIC HEARING

A. Zoning Amendment (ZA) 18-497 – Regulation of Leaf Blowers (Stonich)

A City-initiated zoning amendment for regulation of leaf blowers. The proposed code amendment will incorporate limitations on the use of leaf blowers in the City of San Clemente Municipal Code Title 8: Chapter 8.48, Noise Control and Chapter 8.64.190, Leaf Blower Operation.

Amy Stonich, Contract Planner, narrated a PowerPoint Presentation entitled, "Leaf Blowers, Planning Commission," dated February 6, 2019. A copy of the Presentation is on file in Planning Division.

Adam Atamian, Code Compliance Manager, provided information on City noise standards, the number and nature of complaints received regarding leaf blowers, and steps taken by Code Enforcement when responding to complaints; discussed how staff would implement and enforce the proposed regulations if adopted.

Chair Crandell opened the public hearing.

Brian Daeley, resident, requested the Commissioners enact a total ban of leaf blowers throughout the City, like Laguna Beach. He indicated that he feels like a hostage in his home for up to 139 hours per year of indiscriminate leaf blowing on his street. He suggested workers use rakes and brooms instead. He stated he lives on a cul-de-sac within a homeowners association and regularly observes landscapers using leaf blowers around his neighborhood.

Ken Koenigshofer, resident, supported a total ban of leaf blowers like other cities have done; recommended if not a total ban, a ban on gas-powered leaf blowers would be his second choice; suggested in the higher-density, west of the I-5 Freeway, minimum setback residential areas, raking, sweeping, or electric blowers should be sufficient to keep small yards maintained.

Chair Crandell closed the public hearing.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Suggested it is wrong for City staff/contractors to have an exemption to the rule, as the City should be subject to its own rules.
- Suggested an exemption that would allow homeowners of single-family residences to be exempt if an electric blower is used for less than ten minutes.
- Commented that the exemptions for City staff as suggested make sense in that staff is preparing parks, golf courses and other public areas before the public arrives to enjoy those environments; stated that noise generated by gas and electric powered leaf blowers are generally comparable and it may make more sense to limit duration of use; and suggested allowing homeowners to use a blower for less than ten minutes outside the proposed 9:00 a.m. to 5:00 p.m. limits of leaf blower operations but raised questions regarding enforcement.
- Supported the exemption proposed for City contractors; supported an exemption for private contractors working privately-held large green areas as well; suggested any noise issues with contractors doing large areas for homeowner association green spaces should be handled by the individual homeowner associations.
- Recognized that the proposed Zoning Amendment establishes the operating hours the leaf blowers can be used in residential areas and requires commercially operated leaf blowing equipment to have identifying information and a certification label that it does not exceed 65 dB(A). Staff worked with the City's Code Compliance

Manager to ensure the implementation of the new leaf blower regulations are feasible and enforceable.

- Supported a total ban in residential areas to allow residents to have quiet enjoyment of their homes; suggested leaf blowers can continue to be used in commercial areas, golf courses, and association-owned properties with heavy regulation; requested staff amend the staff report to detail its efforts to explore technical advances in leaf blowers; suggested staff be directed to explore technical advances of leaf blowers on a bi-annual basis.
- Suggested no fuel powered gardening equipment should be used whatsoever within 50 feet of residents' property lines.
- Commented that none of the testimony received indicated that people would be happier with electric powered leaf blowers.
- Suggested revisions to the proposed Zoning Amendment to: 1) Allow single-family homeowners to be exempt from the time restrictions provided they use all-electric blowers for less than ten minutes at a time. 2) Specify that City staff/commercial contractors working large green areas such as golf courses, association-owned properties, etc., operating leaf blowers within 200 feet of residential property shall be subject to the time restrictions. 3) All operators referred to in these proposed revisions shall still be subject to the noise restrictions.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY CHAIR CRANDELL, AND CARRIED 4-1-0, WITH COMMISSIONER WU OPPOSED, TO ADOPT RESOLUTION NO. PC 18-025, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL MAKE CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50-LEAF BLOWER OPERATION.

Amended as follows. Staff directed to draft revisions to the Zoning Amendment as follows:

1. City staff, within 200 feet of residential property, shall be subject to the same restrictions for hours of operation.
2. Homeowners of single-family residences shall be exempt from the restrictions [on hours of operation] provided they use all-electric blowers for less than ten minutes in duration.
3. Add a stipulation that the use and operation of a leaf blower must comply with the provisions of SMC sections 8.48.050 and 8.48.060.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

Chair pro tem Blackwell left the meeting at 8:46 p.m.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
November 8, 2018 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

3. ROLL CALL

Commissioners Present: Donald Brown, Chris Kuczynski, Jason Talley, Zhen Wu;
Chair pro tem Michael Blackwell, Vice Chair Jim Ruehlin

Commissioners Absent: Chair Barton Crandell

Staff Present: Gabriel J. Perez, City Planner
Cecilia Gallardo-Daly, Community Development Director
Tom Bonigut, Public Works Director
Carl Stiehl, Senior Planner
Amy Stonich, Contract Planner
David Carrillo, Assistant Planner
Cristina Talley, Deputy City Attorney (7:00-8:40 p.m.)
Scott Smith, City Attorney (8:40-10:00 p.m.)
Eileen White, Recording Secretary

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

8. PUBLIC HEARING

A. Regulation of Leaf Blowers (Stonich)

A City-initiated zoning amendment for regulation of leaf blowers. The proposed code amendment will incorporate limitations on the use of leaf blowers in the City of San Clemente Municipal Code Title 8, Chapter 8.48, Noise Control and Chapter 8.64.190 – Leaf Blower Operation.

Amy Stonich, Contract Planner, narrated a PowerPoint presentation entitled, "Regulation of Leaf Blowers," dated November 8, 2018. A copy of the presentation is on file in Planning Division.

Tom Bonigut, Public Works Director, advised the City uses gas-powered leaf blowers for maintenance. Gas leaf blowers are the most cost efficient and provide the best performance in maintaining large areas. Battery powered tools may result in improved emissions but would not address

noise issues. Banning gas-powered blowers would result in the City using electric equipment, or sweeping and vacuuming to clean the parks, which is not as cost-effective as gas powered leaf blowers. The City just switched to new contractors who use gas blowers that meet the 65 decibel (dB(a)) level.

Vice Chair Ruehlin opened the public hearing.

Ken Koenigshofer, resident, supported restrictions on leaf blowers in residential neighborhoods; commented that in the beach areas, with homes 10 feet from another or less, the noise from leaf blowers is like a jet aircraft that reverberates between the homes and echoes. It is difficult for him to work in the home, and difficult for his high school-aged children to study or do homework when leaf blowers are operating. He agreed that it is most feasible and cost effective to allow gas-powered leaf blowers in large commercial or City-maintained areas; shared concern for air pollution impacts as well.

Paul (no last name given), resident, supported a full ban of gas-powered leaf blowers for health and welfare of the public; noted constant disruptions in home caused by noisy leaf blowers operated by contractors/landscapers with little regard for the impacts felt by residents. Commissioner Brown advised Paul the Commission had received a copy of Paul's email.

Vice Chair Ruehlin closed the public hearing.

During discussion the Commissioners, individually or in agreement, provided the following commentary:

- Expressed concern that staff did not include a survey to homeowners in its efforts to reach out to stakeholders.
- Noted that other motorized lawn tools, as well as jackhammers and other loud construction machinery would still be allowed to operate between 7:00 a.m. to 5:00 p.m.
- Noted that exemptions were made for City staff in order for the City to be able to clean the parks and sidewalks before they open for the public's use.
- Commented that the list of 11 complaints received about leaf blowers in the past 2 years does not provide enough detail to determine the root causes of the complaints and resulting actions, if any.
- Commented that the list of cities provided does not indicate whether the bans/actions taken in those cities are prompted by noise or air pollution.
- Commented that the City already has a Noise Ordinance in place to regulate noise issues, including leaf blowers.

- Recommended lawn mowers be regulated the same as leaf blowers.
- Requested staff provide information on health impacts from gas-powered lawn equipment.
- Supported restrictions for gas-powered lawn equipment in residential areas; supported allowing gas-powered equipment for use in commercial, city-maintained or large areas.
- Recognized that the City does not have the authority to regulate maintenance on school grounds.
- Expressed concern that the proposed regulations prohibit residents being able to use leaf blowers on their own lawns outside 9:00 a.m. to 5:00 p.m.; suggested staff take a more holistic approach, with guidelines for the future; noted statically small number of complaints and public testimony opposed to motorized lawn equipment.
- Endorsed banning gas-powered equipment in residential areas, establishing an amortization period for banned equipment, and enforcing a ban on equipment producing higher than 65 dB(A) noise levels.
- Questioned whether Code Compliance would be able to respond in a timely manner after a complaint has been registered, or whether the work would be completed and offender gone before Code Compliance Officers arrive.
- Requested clarification regarding what type of equipment would be suggested for maintenance in parks surrounded by homes.
- Questioned whether the gas-powered ban of lawn equipment would also include chainsaws, stump grinders, etc. commonly used in lawn/landscaping maintenance; questioned whether all lawn equipment comes in electric-only models.
- Elected to table the proposed regulations to allow staff time to address comments and concerns raised this evening.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO TABLE REGULATIONS OF LEAF BLOWERS.

[AGENDA ITEM TABLED.]



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 6, 2019

PLANNER: Amy Stonich, AICP, Contract Planner

SUBJECT: **Regulation of Leaf Blowers.** A City-initiated code amendment of San Clemente Municipal Code, Title 8, for regulation of leaf blowers.

BACKGROUND

On March 20, 2018, the City Council received a report regarding a potential update for a leaf blower ordinance (Attachment 3). The Council directed Staff and the Planning Commission develop a leaf blower ordinance for San Clemente. The Council indicated that they did not want to ban all leaf blowers in the City, but to consider establishing regulations on the operations of gas-powered leaf blowers. Specifically, the Council directed staff to:

1. Reach out to stakeholders (e.g. landscape companies, South Coast Air Quality Management District, etc.);
2. Obtain additional restrictions on enforcement processes from Code Compliance;
3. Consider what other cities are doing as it relates to decibel (dB (A)) levels;
4. Evaluate hours of operation and gas versus electric blowers;
5. Consider leaf vacuums versus blowers;
6. Consider requiring leaves to be picked up and not simply blown; and
7. Review the City of Dana Point's leaf blower ordinance.

On November 8, 2018, the Planning Commission held a public hearing to consider a draft ordinance for leaf blowers. The Commission heard a presentation from planning staff and received input from the Public Works Director who provided an explanation of how gas leaf blowers are utilized by City maintenance. At the hearing, two residents spoke in support of restrictions or a full ban of gas-powered leaf blowers.

The Commission discussed the proposed ordinance, posed questions about operation, provided input and recommended modifications. The item was tabled to allow staff time to address the comments and concerns raised at the meeting. A copy of the meeting minutes of November 8, 2018, are attached for reference (Attachment 4).

Overview Current City Regulations

The San Clemente Municipal Code (SCMC), Title 8, has regulations that may be applied to the use of, but are not specific to, leaf blowers. These sections include noise control fugitive dust control and an exemption to the noise ordinance for the maintenance of real

property. The Code Compliance Division has received eleven (11) complaints about leaf blowers within the past two years. This is relatively low in relation to the number of complaints that are received by Code Compliance annually. Seven (7) of the complaints involved noise. The other four (4) complaints concern the use of leaf blowers in the process of cleaning landscape debris (i.e. air quality concerns and blowing leaves into the street or adjacent property). While there have been very few leaf blower complaints received in the City the typical complaints are in response to noise in the early morning.

DISCUSSION

Draft Ordinance

The leaf blower ordinance has been drafted to accomplish the following:

1. Implement regulation on leaf blowers consistent with City Council direction.
2. Provide clear and concise regulation to those who utilize leaf blowers.
3. Ensure smooth implementation and facilitate future enforcement of regulations for Code Compliance personnel.
4. Allow continued ease of operation for City maintenance crews on City-maintained property.

In order to carry out this intent and following Council direction, the draft ordinance includes the following:

- 1) Definitions added for "leaf blower" and "parcel". The definition of "commercial operation" is currently defined in Section 8.54.020. The definition of leaf blower is based on the City of Dana Point's ordinance.
- 2) Section 8.48.070(Q) for Specific Noises Prohibited, is repealed and replaced to add reference to leaf blower operation.
- 3) Section 8.48.090(G) Exemptions from Chapter, is amended to exempt leaf blowers from the maintenance of real property. Since the draft ordinance provides specific time limitations and other limits on commercial leaf blower operation, it was necessary to remove them from the exemption.
- 4) Chapter 8.50 for Leaf Blower Operation, is added. This section will address three parts:
 - a) It limits hours of leaf blower operation on residential property, and property within 200 feet of a residential property, to the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday. These limits prohibit the use on Sunday and holidays. However, City-contractors performing work on City-maintained property are not subject to the limitations.
 - b) Limitation on dispersing dirt, dust and debris onto adjacent parcels.

- c) Commercially operated (as currently defined by SCMC) leaf blowers must have identifying information and a certification label that it does not exceed 65 dB(A). (Refer to Attachment 4 Staff Report for description of dB(A) limitations)

State Air Quality Control

There are generally three main concerns about leaf blowers:

1. Produce exhaust emissions,
2. Re-suspend dust, and
3. Generate high noise levels

In the United States, emissions standards are managed by the Environmental Protection Agency (EPA). The State of California implements more stringent emissions standards as set by the California Air Resources Board ("ARB" aka CARB)). According to their report, with the implementation of State regulations, these strict standards have reduced exhaust emissions from leaf blowers over the past several decades. Additionally, carbon monoxide emissions of leaf blowers have been significantly reduced below the standard level by manufacturers. Refer to Attachment 5 for the report.

"Exhaust standards already in place have reduced exhaust emissions from the engines used on leaf blowers, and manufacturers have significantly reduced CO [carbon monoxide] emissions further than required by the standards."

According to California Air Resources Board report, 2000

Planning Commission Direction

At the November public hearing, the Planning Commission discussion about leaf blowers related to questions, comments and concerns following these general topics:

1. Outreach: Staff should reach out to additional stakeholders, residents/interested parties and Homeowner's Associations ("HOAs")
2. Code compliance: More information is needed on the types of complaints received, existing noise ordinance and response to complaints
3. Other types of lawn and garden machinery that also make noise and create emissions
4. Municipal use of leaf blowers and regulations set forth by other cities

The following discussion addresses each of these main topics:

1. Outreach:

Based on direction from Planning Commission, staff reached out to residents (who spoke at prior public hearings) and San Clemente HOAs. A brief survey was given and an opportunity for feedback was provided. The results of the survey indicated that the residents felt that leaf blowers in their neighborhood were a major nuisance. They were concerned about emissions, re-suspended dust and noise. Two residents suggested that a recent viral outbreak in San Diego could be spread through the use of leaf blowers. Of the three people surveyed, one preferred a ban on gas powered blowers in residential areas but indicated that they are okay in golf courses, parks and schools. The other two felt a citywide ban was most appropriate.

Staff also reached out to representatives of San Clemente HOAs for feedback. They consistently responded that they received few or no complaints about leaf blowers (depending on the HOA) and those complaints mainly centered on noise. They also noted that there are maintenance crews operating leaf blowers two to five days each week. The representatives expressed concern about costs incurred should the City decide to ban leaf blowers or to restrict them to electric blowers in residential areas. Generally, they indicated that leaf blower time limitations could be incorporated with their maintenance operations.

When staff previously reached out to local landscapers in the City, they were asked how they use leaf blowers and their experience with gas-powered compared to battery-powered. Responses were consistent that gas-powered was preferred. Electric blowers do not have the same performance as gasoline powered leaf blowers. The limitation relates to the available power. Landscapers indicated that they had tried the battery-powered machines, but found that (1) they emitted a similar high pitched sound to the gas-powered, (2) battery-powered was not as powerful as gas-powered, (3) batteries had to be changed out every 20 minutes which extended the time it takes to finish the work, and (4) it would take multiple batteries for larger areas which became an expense that outweighs any discounts for a rebate or exchange program. Additionally, the batteries cost four to five times more than gas because of the necessary investment in batteries. Batteries cost about \$170 each and, in order to be effective and timely with cleanup, the operator would need to have multiple charged batteries available to change out.

2. Code Compliance:

Staff has been careful to ensure the implementation of new leaf blower regulations are feasible and enforceable. Staff worked with the Code Compliance Manager to ensure that the proposed restrictions will be effective in the enforcement processes. The few complaints received by Code Compliance were typically in response to noise in the early morning.

When Code Compliance receives a complaint it typically takes up to 48 hours before an officer can investigate in person to verify the complaint. The officer would determine if a leaf blower noise complaint meets the criteria of a violation of the SCMC. If so, a case would be opened and an investigation initiated. The SCMC does not specifically identify leaf blower regulations but the secondary effect from noise sources such as leaf blowers are addressed in the City's noise ordinance. Any violation of the ordinance could result in a notice of correction or a citation.

The Council directed staff to review the City of Dana Point's leaf blower ordinance. When asked about the enforceability of their existing ordinance, a Code Enforcement Officer from the City of Dana Point said that it is difficult to enforce the dB(A) measurements due to the complexity of the code. Rather, they rely on limitations in the hours of operation and public outreach about leaf blower time limitations.

3. Other types of lawn and garden machinery:

Other than lawn mowers and weed trimmers (whackers), there are three general types of lawn and garden machinery that are typically used for efficiently moving leaves, grasses, dirt and other debris that exist in landscape environments. These are generally categorized as gas-powered leaf blowers, battery-powered leaf blowers, and leaf vacuums.

According to the ARB report, fumes and emissions are created by all gas-powered machinery (blowers and vacuums). All blowers (gasoline and electric) generate high noise levels that may be offensive and bothersome to some individuals. The ARB has no legislative mandate to control noise emissions, but the evidence showed that quieter leaf blowers would reduce worker exposures to noise and protect hearing, and reduce negative impacts on bystanders.

When the polled residents in the City were asked if other garden machinery should be part of the drafted ordinance, it was generally indicated that, while all the machinery makes noise, it is leaf blowers that were of concern at this time. The direction of City Council was to draft an ordinance on leaf blowers. Therefore, staff has not included other garden machinery in the drafted ordinance.

4. Municipal use of leaf blowers:

In preparing the draft ordinance staff considered the impact of leaf blower restrictions on City's maintenance operations and costs. City Maintenance services currently utilize gas-powered blowers. Although they are exploring the possibility of utilizing battery-powered blowers, they recognize the benefit of gas-powered to handle maintenance operations twice as fast as battery-operated without the need to change out batteries. Any leaf blower time restrictions would require additional time for maintenance operations resulting in higher maintenance costs to the City. The time restrictions would require maintenance to occur in park areas and business corridors at times when recreation and business activity is highest.

Some cities in California have implemented leaf blower restrictions on the time of day leaf blowers can be used, while others have specifically prohibited gas-powered units. Even though different areas have different regulations, the various laws aim to improve noise and air pollution.

The following is a summary of research regarding other jurisdictions that have restrictions (not a total ban):

Dana Point, California. In residential areas, leaf blowers are allowed from 9:00 a.m. to 5:00 p.m. Monday through Saturday (prohibited on legal holidays). Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is generally limited to not exceed a noise level of 65 to 70 dB(A) (depending upon the date of purchase).

Culver City, California. The city adopted an ordinance prohibiting the sale and use of leaf blowers with noise levels exceeding 65 dB (A). The ordinance will become effective five years after its adoption (in 2022) to provide time for existing leaf blowers to deplete their useful life. Allowable hours of leaf blower operation are 8:00 a.m. to 6:00 p.m. Monday through Friday and 10 a.m. and 5:00 p.m. on Saturdays and Sundays.

Burlingame, California. Burlingame's leaf blower ordinance requires that all blowers be certified at 65 dB(A), either by testing or by manufacturer rating. The city utilizes a pre-approved list by manufacturer from Consumer Reports wherein they were tested at 65 dB(A). The city allows blowers in designated residential areas with commercial blowers only one day per week 8:00 a.m. to 5:00 p.m. Residents may use blowers on Saturdays from 9:00 a.m. to 2:00 p.m. and Sundays from 10:00 a.m. to 2:00 p.m. in addition to their assigned weekday.

Conclusion

A draft ordinance has been prepared which is consistent with City Council direction and provides leaf blower time restrictions, limitation of use in residential areas, limitations in nonresidential areas within 200 feet of residential areas, and a maximum decibel level for commercially operated leaf blowers. The ordinance has been drafted in coordination with the Public Works Department and Code Compliance Division to ensure that City maintenance operations can continue and that the City's Municipal Code can be enforced. Outreach to stakeholders, residents and interested parties as well as HOAs has been completed.

Staff does not recommend a full ban on gas-powered leaf blowers as this would substantially increase the cost of maintenance operations for public and private upkeep. The ordinance as proposed would substantially reduce noise impacts by leaf blowers during the day, prohibit blowing of debris by leaf blowers onto adjacent properties and is consistent with the direction provided by the City Council.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

The Planning Division completed an initial environmental assessment of the code amendment per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission recommend to the City Council that the project is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the zoning amendment be found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment.

RECOMMENDATION

A draft zoning amendment has been prepared that will amend Title 8, including definitions, specific noises prohibited and the addition of Chapter 8.64.190 – Leaf Blower Operation. Staff recommends that the Planning Commission:

1. Recommend that the code amendment is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) and is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment; and
2. Adopt Resolution PC 18-025, recommending that the City Council adopt a City-initiated code amendment for regulation of leaf blowers.

Attachments:

1. Resolution No. PC 18-025
Exhibit A - Draft Ordinance
2. Current City Regulations (as applicable)
3. City Council Report March 20, 2018 and minutes (excerpt)
4. Planning Commission Report and Minutes of Hearing on November 8, 2018
5. California Air Resources Board Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers (February 2000)



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: November 8, 2018

PLANNER: Amy Stonich, AICP, Contract Planner

SUBJECT: **Regulation of Leaf Blowers.** A City-initiated code amendment for regulation of leaf blowers.

BACKGROUND

On March 20, 2018, the City Council received a report regarding a potential update for leaf blower ordinance (Attachment 3). The Council directed that Staff and the Planning Commission develop a leaf blower ordinance for San Clemente. The Council indicated that they did not want to ban all leaf blowers, but to consider establishing regulations on gas-powered leaf blowers. Specifically, the Council directed staff to (1) reach out to stakeholders (e.g. landscape companies, South Coast Air Quality Management District, etc.); (2) obtain additional restrictions on enforcement processes from Code Compliance; (3) consider what other cities are doing as it relates to decibel levels; (4) evaluate hours of operation and gas versus electric blowers; (5) consider leaf vacuums versus blowers; (6) consider requiring leaves to be picked up and not simply blown; and to (7) review the City of Dana Point's leaf blower ordinance.

Overview Current City Regulations

The San Clemente Municipal Code (SCMC), Title 8, has regulations that may be associated with, but are not specific to, leaf blowers. As they could be applied to leaf blowers (or similar), these regulations include:

- Chapter 8.48, Noise Control
 - Blowers and fans
 - Noise sources associated with the maintenance of real property
 - City's weed abatement program
 - Exterior and interior noise standards
- Chapter 8.54
 - Fugitive dust control for commercial operations – exemption for weed abatement activity

Chapter 8.48.020 - Noise Control also defines "residential property" as "*a parcel of real property which is developed and used for residential purposes, regardless of the underlying land-use developments, only that portion of the property used for residential purposes shall be considered residential property.*"

Attachment 2 includes the SCMC sections as referenced above.

DISCUSSION

Leaf blowers were introduced in the U.S. in the 1970's. Drought conditions in California facilitated acceptance of the leaf blower as the use of water for many garden clean-up tasks was prohibited. The sales of gasoline-powered leaf blowers increased exponentially and, in response to complaints, many cities implemented ordinances either restricting or banning their use. There are generally three main concerns: leaf blowers produce exhaust emissions, re-suspend dust, and generate high noise levels.

In 2000, a Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers was developed by the California Air Resources Board (ARB) on the potential health and environmental impacts of leaf blowers and alternative leaf blower technology. According to the report, exhaust standards already in place have reduced exhaust emissions from the engines used on leaf blowers, and manufacturers have significantly reduced carbon monoxide emissions further than required by the standards. The ARB has no legislative mandate to control noise emissions, but the evidence showed that quieter leaf blowers would reduce worker exposures and protect hearing, and reduce negative impacts on bystanders.

Other than lawn mowers and weed trimmers (whackers), there are three general types of lawn and garden machinery that are typically used for efficiently moving leaves, grasses, dirt and other debris that exist in landscape environments. These are generally categorized as gas-powered leaf blowers, battery-powered leaf blowers, and leaf vacuums.

According to the ARB report, fumes and emissions are created by all gas-powered machinery (blowers and vacuums). All blowers (gasoline and electric) generate high noise levels that may be offensive and bothersome to some individuals.

City Council Direction

1. The Council indicated that they did not want to ban all leaf blowers, but to consider establishing regulations on gas-powered leaf blowers. Based on Council direction, staff reached out to stakeholders including local landscape companies and to the South Coast Air Quality Management District (SCAQMD). The SCAQMD focuses on clean air (not noise) and has two programs for replacement of gasoline-powered residential lawn mowers and commercial lawn and garden equipment. Basically, the public can receive a rebate or can participate in an incentive and exchange program. An equivalent operable gasoline or diesel powered piece of lawn or garden equipment must be scrapped when the new battery-electric equipment is purchased.

When staff reached out to local landscapers in San Clemente, they were asked how they utilize leaf blowers and their experience with gas-powered compared to battery-powered. Responses were consistently that gas-powered was preferred. Electric blowers do not have the same performance as gasoline powered leaf blowers. The limitation comes in the available power. Each of the landscapers had tried the battery-powered machines but

found that (1) they emitted a similar high pitched sound to the gas powered, (2) battery-powered was not as powerful as gas-powered, (3) batteries had to be changed out every 20 minutes which extended the time it takes to finish the work, and (4) found that it would take multiple batteries for larger areas which became an expense burden that outweighed any discounts for a rebate or exchange program. Additionally, the batteries cost 4-5 times more than gas because of the necessary investment in batteries.

City Maintenance services also utilize gas-powered blowers. Although they are exploring the possibility of utilizing battery powered blowers, they recognize the benefit of gas-powered. Specifically, they concurred with the local landscapers that blowing with a battery-powered blower would take at least twice as long with the need to change out batteries. While they hadn't received complaints regarding noise, they had received complaints about sand that was inadvertently blown on cars.

2. Obtain additional restrictions on enforcement processes from Code Compliance.

In drafting the leaf blower ordinance, staff also worked with the Code Compliance Division to obtain additional restrictions on enforcement processes. While there have been very few complaints received in San Clemente, it was indicated that they were typically in response to noise in the early morning.

When asked about the enforceability of their existing ordinance, a Code Enforcement Officer from the City of Dana Point said that it is difficult to enforce the decibel (dB(A)) measurements due to the complexity of the code. Rather, they rely on limitations in the hours of operation and inform the public about the hours that leaf blowers can be used.

3. Consider what other cities are doing as it relates to decibel levels. All new gas & electric blowers in California are required to be certified and to display a sound decibel label. As shown in the photo below, the American National Standards Institute ("ANSI"), provides manufacturer certification measured at 50 feet (standard B175.2-1996).



Photo of ANSI dB(A) rating on leaf blower

The following is a summary of research regarding other jurisdictions that have incorporated dB(A) levels:

Dana Point, California. In residential areas, leaf blowers are allowed from 9:00 a.m. to 5:00 p.m. Monday through Saturday (prohibited on legal holidays). Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is generally limited to not exceed a noise level of 65 to 70 dB(A) (depending upon the date of purchase).

Culver City, California. The city adopted an ordinance prohibiting the sale and use of leaf blowers with noise levels exceeding 65 decibels. The ordinance will become effective five years after its adoption (in 2022) to provide time for existing leaf blowers to deplete their useful life. Allowable hours of leaf blower operation are 8:00 a.m. to 6:00 p.m. Monday through Friday and 10 a.m. and 5:00 p.m. on Saturdays and Sundays. A comprehensive presentation on the leaf blower prepared by staff at Culver City is attached for reference (Attachment 3).

Burlingame, California. Burlingame's leaf blower ordinance requires that all blowers be certified at 65 decibels, either by testing or by manufacturer rating. The city utilizes a pre-approved list by manufacturer from Consumer Reports wherein they were tested at 65 dB(A). The city allows blowers in designated residential areas with commercial blowers only one day per week 8:00 a.m. to 5:00 p.m. Residents may use blowers on Saturdays from 9:00 a.m. to 2:00 p.m. and Sundays from 10:00 a.m. to 2:00 p.m. in addition to their assigned weekday.

4. Evaluate hours of operation and gas versus electric blowers. As indicated above, local landscapers and city maintenance crews expressed a preference for gas versus electric blowers because they are more powerful as well as time and cost efficient.

The landscapers indicated that typical operational hours are mid-week from 7 a.m. until about 3 p.m. However, when asked if there was a limitation set on hours of operation of leaf blowers (i.e. 9 a.m. until 5 p.m.), they said they could certainly comply. However, City maintenance crews differed in their need to start earlier, at 7:00 a.m., in order to clear out City-maintained parks and right-of-way. It was noted that, restrictions to start at a delayed hour would inhibit their ability to complete park and street maintenance before people begin utilizing the facilities. Therefore, they expressed a preference to maintain the hours they currently utilize on city maintained property.

5. Consider leaf vacuums versus blowers. The local landscapers polled by staff were also asked about the use of a leaf vacuum. They indicated that these are as loud as a blower and were not as effective. Essentially, the vacuum would also extend the time it takes to cover the same area with a gas-powered blower because they would need to go back and pull out leaves and debris by hand.

6. Consider requiring leaves to be picked up and not simply blown. According to a report prepared by the California Landscape Contractors Association (CLCA), using rakes

and brooms as an alternative to gas blowers would increase cleanup time by five times. According to the report, in 1994 the City of San Luis Obispo assessed the time it would take for city crews to clear its parks and public buildings by hand as compared to a gas blower. The city's maintenance supervisors estimated that their crews would take 50 hours to do work that took 10 hours with leaf blowers, and that much of the work would require the use of water. The report summarizes that essentially, public agencies and private owners would have to spend more time which equates to more money on outdoor work or they must accept a lower level of upkeep.

7. Review the City of Dana Point's leaf blower ordinance. As indicated in the section above, the City of Dana Point adopted an ordinance which limits leaf blowers in residential, commercial, and recreational areas within two hundred feet of a residential area to later start hours (from 9:00 a.m. to 5:00 p.m.) Monday through Saturday (prohibited on legal holidays). It also sets limitations on noise levels not to exceed 65 to 70 dB(A), depending upon the date of purchase.

Draft Ordinance

The leaf blower ordinance has been drafted to accomplish the following:

1. Implement regulation on leaf blowers consistent with the City Council's direction.
2. Provide clear and concise regulation to those who utilize leaf blowers.
3. Ensure smooth implementation and facilitate future enforcement of the code for Code Compliance personnel.
4. Allow continued ease of operation for City maintenance crews on City-maintained property.

The leaf blower restrictions will be incorporated in the appropriate sections of the code including:

- Section 8.48.020 – Definitions, to include "leaf blower" and "parcel";
- Section 8.48.070(Q) – Specific noises, to include reference to leaf blower operation;
- Section 8.48.090(G) – Exemptions from Chapter, to include and exception for leaf blowers from the hours of operation applicable to maintenance of real property; and
- Chapter 8.64.190 – Leaf Blower Operation to include restrictions that apply to the use of leaf blowers.

The new Chapter will include regulation to address early morning operation. Allowable hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Saturday. It will also require leaf blowers to have affixed a sound decibel label that does not exceed 65 dB(A) measured at 50 feet, and the business name, address, telephone number, and business license number of the responsible party. The ordinance also takes into account that

anyone utilizing a leaf blower should operate it so as not to deposit debris on neighboring properties. Furthermore, all debris must be disposed of properly.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

The Planning Division completed an initial environmental assessment of the code amendment per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission recommend to the City Council that the project is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b). Staff further recommends that the project be alternatively and independently found categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment.

RECOMMENDATION

A draft zoning amendment has been prepared that will amend Title 8, including definitions, specific noises prohibited and the addition of Chapter 8.64.190 – Leaf Blower Operation. Staff recommends that the Planning Commission:

1. Recommend that the code amendment is exempt from CEQA as the proposed ordinance is not a project within the meaning of the term set forth in State CEQA Guidelines, section 15378(a) and 15061(b) and is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Sections 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment; and
2. Adopt Resolution PC 18-025, recommending that the City Council adopt a City-initiated code amendment for regulation of leaf blowers.

Attachments:

1. Resolution No. PC 18-025
Exhibit A - Draft Ordinance
2. Current City Regulations (as applicable)
3. City Council Report March 20, 2018

ATTACHMENT 7

From:
Sent: Thursday, November 08, 2018 10:14 AM
To: Stiehl, Carl
Subject: Residents first! Not landscapers!

Mr. Stiehl,

I want to point out some major flaws in the current report by the City of San Clemente regarding leaf blowers and the noise and pollution associated with their daily use.

The main problem with allowing gas powered leafblowers of any kind within our city is the fact the noise, dust, and pollution ARE NOT confined to the place or property where these yard maintenance people men work! If all the noise, dust and fumes were then this would NOT be the issue it is!

Our neighborhood, especially in the very densely populated west side has been taken over by these private maintenance crews who care little about the health or peace of people who live here, and try to go about their chosen profession as quickly as they possibly can with absolutely NO consideration for anything else but their own convenience! and it just so happens that they job they do and the tool they use mostly (The leafblower engine) is not a needed tool as we all know society has survived just fine with a rake or broom! But as we all know those are ignored now, as the gas powered leafblower has taken their place! Great for the maintenance workers, but horrible for residents! WE are sick and tired of having to deal with the noise, dust and pollution that these people cause every day here in our neighborhood! You can hear these damn things from a mile away, and with so many of these guys out there on a daily basis our quality of life is suffering because of someone else's profession.

We are sick and tired of having the maintenance workers convenience be more important than our quality of life here! After all WE ARE THE RESIDENTS! WE ARE THE PROPERTY TAX PAYERS!

Many of these private yard maintenance crews DO NOT HAVE A BUSINESS LICENSE! Most of these guys are a guy with a truck, and some gas powered trimmers and leafblower. Most here in my neighborhood, have unmarked vehicles, and usually speak only Spanish, or broken English. They are NOT concerned with anyone's care or concerns and are out working usually receiving cash or check from the people who hire them "under the table". Some of these people may not even be Citizens of the United States, and have illegal status. So while the City of San Clemente may hire a known, licensed "Company" for park maintenance, most leaf blower activity here is done by hired private guys with nothing more than a pick-up truck and some maintenance tools.

There is no way that the City of San Clemente will be able to enforce these guys "blowing debris" or dust" towards neighboring houses or properties! Why, because as I stated before, these blowers and their dust, exhaust, and noise cannot be confined to only the property they are working on! All of the dust, noise and exhaust goes up into the air for everyone else to breathe or hear! And it is simply not fair for the people just trying to live peacefully in their own home as these hired people come and do their business!

I wanted to bring up the difference between noise and pollution caused from construction on a house here, and that is- when a house is being constructed or re-habbed. Neighbors will only usually have to be subjected to the noise associated with that project for a period of a few months, maybe up to a year. BUT THEN IT'S FINISHED AND THE NEIGHBORHOOD CAN GET BACK TO LIVING IN PEACE!

But, with leafblowers, it's a daily nuisance and health issue that goes on and on, daily, monthly, yearly! This has become the sound of my neighborhood! The loud engines of leaf blowers! Forget about hearing the waves or the birds or just quiet! IT IS TIME TO CONSIDER THE RESIDENTS AND PROPERTY TAX PAYERS OF SAN CLEMENTE, RATHER THAN THE CONVENIENCE OF YARD MAINTENANCE WORKERS! Their tool of choice (leafblower) is much too loud, and much too polluting for reasonable living standards here especially when we all live so close together here on the west side of town. My house is only 5 feet from my neighbors property line on 3 sides! All of them hire yard maintenance men, who all use these leafblowers! But that's not all! Then we are subjected to them across the street, and up the street, even across town! An almost endless daily noise pollution that has to STOP! It never killed anyone to use a rake and broom! Give us our quality of life back, and stop allowing someone else's convenience for their job over our health and well being!

Please submit this to the rest of the Planning Commission for consideration and discussion. It's a bigger issue than most of you realize.

Thank You.

Paul,
San Clemente

From:
Sent: Friday, March 23, 2018 11:20 AM
To: Stiehl, Carl
Subject: Leaf blower issue in San Clemente

Hello Carl.

I'd like to personally thank you for your participation and attention you showed us residents at the City Council meeting this last Tuesday.

Please know that this issue, may it seem somewhat small compared to other issues facing the city such as the toll road and homelessness, Leaf blower noise and pollution is a big deal to many in San Clemente, as our health and quality of life is directly affected by these machines and the practices of the hired yard maintenance men who use them. Understanding more that Leaf Blower noise and pollution has no boundary to just the property they are used on. Noise and exhaust obviously travel over property lines. This is the problem. The solution is either banning all leaf blowers within city limits as the fine city of Laguna Beach has. Or at the very least compromise and only allow electric powered leaf blowers.

Anything else is basically unacceptable for the residents who are affected. Remember, not one person showed up to the meeting in favor of Leafblowers. But several of us who were opposed to them showed up to voice our concerns. It seems odd to us, that the Council is seeming to ignore the will of the people, and are more concerned with their personal opinions on the matter. This is about our health and quality of life. That should supersede any landscape maintenance workers convenience!

Please help to influence the Council, on at least a compromise, and to only allow electric leaf blowers here, if any are to be used legally.

Thank you for listening to the residents!

Best regards,

Paul

Existing Regulations and Programs

ATTACHMENT 8

The following is a summary of existing City and State regulations and programs for controlling leaf blower noise, dust, and air quality issues.

Existing City regulations

The San Clemente Municipal Code (SCMC) does not specifically identify leaf blower regulations but the secondary effects from noise sources and dust such as leaf blowers are addressed in the City's Noise Ordinance. SCMC Section 8.48, Noise Control, requires blowers and fans to have mufflers and limits exterior and interior noise levels. Section 8.54, Fugitive Dust Control for Commercial Operations, include minimum requirements for commercial operations that emit airborne solid particulate matter onto or over properties developed for residential use. Several activities are exempt from the noise and dust restrictions, such as City operations. Weed abatement, permitted construction projects, and property maintenance are exempt between 7 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 6 p.m. on Saturday, excluding holidays. An excerpt of these SCMC sections is provided as Exhibit A.

State regulations and programs

Since leaf blowers were introduced in the 1970s, the State has required gas powered leaf blower and vacuum manufactures to meet increasingly more restrictive air quality and noise standards. As explained in the General Plan Natural Resources Element, air pollution is subject to the rules imposed by the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), and the U.S. Environmental Protection Agency (USEPA). The California Division of Occupational Safety and Health (Cal OSHA) sets noise and occupational safety standards.

Gas powered leaf blowers are regulated by CARB according to small off-road engine regulations. See Exhibit B for current regulations. As leaf blowers and vacuums have been replaced with newer, more efficient models over time, the State has reported significant noise and air emission reductions to meet the more restrictive standards. CARB representatives conveyed to staff that more restrictive air quality standards on gas-powered leaf blowers will be considered in the next couple years. Cal OSHA requires manufactures to certify new gas-powered leaf blowers will meet the American National Standards Institute's (ANSI) standard B175.2. This standard requires gas-powered leaf blowers to not produce more than 65 decibels of noise when measured from 50 feet.

There are State programs to incentivize new leaf blower and vacuum purchases to speed up replacement of less efficient equipment. CARB will loan commercial-grade battery-operated equipment to various landscaping groups, so they can test the equipment before investing. SCAQMD has a rebate program to replace gas leaf blowers and vacuums with electric models. For a brochure on the rebate program, see Exhibit C.

8.48.070 – Specific noises prohibited

G. Blowers and fans. The operation of any noise-creating blower or power fan, unless the noise from such blower or fan is muffled.

8.48.090 – Exemptions from Chapter

E. Noise sources associated with construction activity, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday, and provided all grading activities also comply with Section 15.36.190 of the City's Municipal Code regarding time of grading operations.

G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) a.m. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) a.m. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.

H. Activities carried out under the City's weed abatement program, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday.

J. Activities of the federal, state or local government and its duly franchised utilities.

8.48.020 - Definitions

"Residential property" shall mean a parcel of real property which is developed and used for residential purposes, regardless of the underlying land-use zoning, other than transient uses such as hotels and motels. Where residential uses occur within mixed-use developments, only that portion of the property used for residential purposes shall be considered residential property.

8.48.050 - Exterior noise standards

The following exterior noise standards, unless otherwise specifically indicated, shall apply to all property within the City. The Land Use category refers to the affected receiver property:

Land Use	Allowable Exterior Noise Level	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	55 dB (A)	50 dB (A)
Residential portions of mixed-use, or residences located on property zoned for	60 dB (A)	50 dB (A)

commercial, industrial or manufacturing land use		
Commercial	65 dB (A)	60 dB (A)*
Industrial or manufacturing	70 dB (A)	70 dB (A)*

* Standard only applies if commercial, industrial or manufacturing buildings are occupied during these hours.

8.48.060 - Interior noise standards

The following interior noise standards, unless otherwise specifically indicated, shall apply to all residential property within the City. The Land Use category refers to the affected receiver property:

Land Use	Allowable Interior Noise Level	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential, including residential portions of mixed-use.	50 dB (A)	40 dB (A)

8.54.030 - Fugitive Dust Control Requirements

A. Except as set forth in subsection B of this section, no operator shall cause or allow visible fugitive dust emissions to be released from its site onto or over any other properties located within a residential zone in the City.

8.54.040 - Exemptions

The provisions of this chapter shall not apply to:

E. Activities, including development, construction, and demolition projects, which are both temporary in nature and conducted at the site where the finished product is to be constructed, installed or removed. This exception shall not be read to exempt any activity conducted at a commercial operation's place of business, whether such location is permanent or temporary, regardless of the nature of the activity.

F. Weed abatement activities.

G. Activities, including capital improvement projects, conducted by or under contract to any public agency.

Excerpt of 55 pages of CARB standards, specific to purpose, definitions, applicability, and emission levels. For complete standards, please visit <https://bit.ly/2ZAxx8b>

Small Off-Road Engine Evaporative Emission Regulations

California Code of Regulations, Title 13, Division 3

Chapter 15. Additional Off-Road Vehicles and Engines Pollution Control Requirements

Article 1. Evaporative Emission Requirements for Off-Road Equipment

§2750. Purpose.

The purpose of these regulations is to:

- (a) Set evaporative emission standards for gasoline-fueled, spark-ignited small off-road engines rated at equal to or less than 19 Kilowatts, and equipment utilizing such engines;
- (b) In order to give manufacturers maximum flexibility, certification programs are available beginning the 2006 model year. The two options are identified in section 2754(a) and in section 2754(b), and require running loss emissions to be controlled during engine operation, which results in greater evaporative emissions reductions. Manufacturers must select one option for each evaporative family they certify.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code.
Reference: Section 43013, Health and Safety Code.

§2751. Applicability.

- (a) For the model year engines or equipment subject to this Article, no person shall:
 - (1) manufacture for sale or lease for use or operation in California, or
 - (2) sell or lease or offer for sale or lease for use or operation in California, or
 - (3) deliver or import into California for introduction into commerce in California, without an evaporative emission control system that has been certified and labeled pursuant to this Article.
- (b) No person shall:

- (1) manufacture for sale or lease for use or operation in California, or
 - (2) sell or lease or offer for sale or lease for use or operation in California, or
 - (3) deliver or import into California for introduction into commerce in California, any component of an evaporative emission control system subject to this Article unless that component has been certified, either by itself or as part of an evaporative emission control system, and labeled pursuant to this Article. Starting January 1, 2020, it is presumed that replacement components are subject to this Article if they are capable of being used on an evaporative emission control system on a small off-road engine regulated under this Article.
- (c) This Article does not apply to:
- (1) engines or equipment that use compression-ignition engines, or engines or equipment powered with compressed natural gas (CNG), propane, liquefied petroleum gas (LPG), or liquefied natural gas (LNG).
 - (2) engines or equipment that use small off-road engines manufactured in California for sale and use outside of California.
 - (3) snowthrowers or ice augers.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code.
Reference: Section 43013, Health and Safety Code.

§2752. Definitions.

- (a) The definitions in section 2401 (a), and section 2403 (b), Chapter 9, Title 13 of the California Code of Regulations, apply to this Article with the following additions:
- (1) "ANSI/OPEI B71.10-2013" means ANSI/OPEI B71.10-2013, *American National Standard for Off-Road Ground-Supported Outdoor Power Equipment – Gasoline Fuel Systems – Performance Specifications and Test Procedures*, published August 26, 2013, and which is incorporated by reference in this Article.
 - (2) "CP-901" means *Certification Procedure for Evaporative Emission Control Systems on Engines With Displacement Less Than or Equal to 80 Cubic Centimeters*, adopted July 26, 2004, and amended September 18, 2017.
 - (3) "CP-902" means *Certification Procedure for Evaporative Emission Control Systems on Engines With Displacement Greater Than 80 Cubic Centimeters*, adopted July 26, 2004, and amended September 18, 2017.

- (4) "Diurnal Emissions" means evaporative emissions resulting from the daily cycling of ambient temperatures and include resting losses, and permeation emissions, as measured according to test procedures incorporated in this Article.
- (5) "Equivalent Fuel Line" means a fuel line that permeates less than the nominal fuel line being replaced and less than or equal to 15 grams of ROG per square meter of surface area in contact with fuel per day when tested per SAE J1737 (Stabilized May 2013), SAE J30, SAE J1527, or, only for fuel lines with inner diameter 4.75 mm or less, SAE J2996 at 40°C or higher, and ambient pressure using LEV III certification gasoline. The fuel defined in 40 CFR Part 1060.515(a)(2) or CE10 may be used as an alternative test fuel.
- (6) "Evaporative Emissions" means emissions that result from the evaporation of reactive organic gases into the atmosphere.
- (7) "Evaporative Emission Control System" means the fuel system and associated components that are designed to control evaporative emissions.
- (8) "Evaporative Family" means small off-road engine or equipment models in the same engine class that are grouped together based on similar fuel system characteristics as they relate to evaporative emissions. For engines with displacement less than or equal to 80 cubic centimeters (cc), all models using fuel tanks and fuel lines constructed by the same process with the same material and the same permeation control may be grouped into one evaporative family. The engine family and the evaporative family may be considered equivalent at the manufacturer's discretion.
- (9) "Evaporative Model Emission Limit (EMEL)" means the diurnal emission rate declared by the manufacturer for a model within an evaporative family. The declared rate must be based on diurnal emissions test results for the model of engine or equipment within the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard, obtained by following TP-902.
- (10) "Evaporative Family Emission Limit Differential (EFELD)" means the emission rate differential between the diurnal emission standard in Table 1 of section 2754(a) for the model of engine or equipment within the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard and the EMEL declared for the model and is applicable to the entire evaporative family represented by the model.

- (11) "Executive Order of Certification" means an order signed by the Executive Officer that documents certification of evaporative emission control systems on engines or equipment to the evaporative emission standards of this Article.
- (12) "Fuel line" means hose or tubing designed to contain liquid fuel (including molded hose or tubing). This does not include any of the following:
- (A) Fuel tank vent lines;
 - (B) Segments of hose or tubing whose external surface is normally exposed to liquid fuel inside the fuel tank;
 - (C) Hose or tubing designed to return unused fuel from the carburetor to the fuel tank that does not continuously contain liquid fuel for handheld engines; and
 - (D) Primer bulbs that contain liquid fuel only for priming the engine before starting.
- (13) "Holder" means the person to whom the Executive Order of Certification is issued.
- (14) "Hot Soak Emissions" means evaporative emissions that occur for the one-hour period following the termination of engine operation.
- (15) "LEV III certification gasoline" means certification gasoline fuel for LEV III light-duty vehicles and medium-duty vehicles as defined in part II, section A.100.3.1.2 of the *California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light Duty Trucks, and Medium-Duty Vehicles*, as last amended September 2, 2015.
- (16) "Manufacturer" means either an engine manufacturer or equipment manufacturer.
- (17) "Nominal Capacity" means the volume of fuel indicated by the manufacturer that represents the maximum recommended fill level.
- (18) "Nominal Fuel Line" means the fuel line that is used by an engine or equipment manufacturer to certify the evaporative emissions control system on a small off-road engine.

- (19) "Organic material hydrocarbon equivalent" means the total mass of hydrocarbon molecules, ethanol, and other organic compounds, as measured under the test procedures incorporated in this Article.
- (20) "Permeation Emissions" means evaporative emissions that result from reactive organic gas molecules penetrating through the walls of fuel system components and evaporating on outside surfaces, as measured by test procedures incorporated in this Article. Permeation emissions are a component of diurnal emissions, as measured by test procedures incorporated in this Article.
- (21) "Permeation Rate" means the total mass of reactive organic gas molecules passing through the internal surface area of a fuel tank or fuel line in a 24-hour period, as measured by test procedures incorporated in this Article.
- (22) "Production Volume" means the number of engines or equipment units, subject to the requirements of this Article, produced in an evaporative family for which the Holder has a reasonable basis to conclude that sale was or may be made to ultimate purchasers in California. A Holder may estimate production volume through market analysis. An educated and consistent estimate with the best available documentation will be acceptable as the final report of production volume in California.
- (23) "Reactive Organic Gases (ROG)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

	CAS *
(1) methane;	[74-82-8]
methylene chloride (dichloromethane);	[75-09-2]
1,1,1-trichloroethane (methyl chloroform);	[71-55-6]
trichlorofluoromethane (CFC-11);	[75-69-4]
dichlorodifluoromethane (CFC-12);	[75-71-8]
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);	[76-13-1]
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);	[76-14-2]
chloropentafluoroethane (CFC-115);	[76-15-3]
chlorodifluoromethane (HCFC-22);	[75-45-6]
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);	[306-83-2]
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);	[2837-89-0]
1,1-dichloro-1-fluoroethane (HCFC-141b);	[1717-00-6]
1-chloro-1,1-difluoroethane (HCFC-142b);	[75-68-3]
trifluoromethane (HFC-23);	[75-46-7]
pentafluoroethane (HFC-125);	[354-33-6]
1,1,2,2-tetrafluoroethane (HFC-134);	[359-35-3]

- 1,1,1,2-tetrafluoroethane (HFC-134a); [811-97-2]
 1,1,1-trifluoroethane (HFC-143a); [420-46-2]
 1,1-difluoroethane (HFC-152a); [75-37-6]
 ethoxy-nonafluorobutane (HFE 7200);
 trans-1,3,3,3-tetrafluoropropene (HFO-1234ze);
 cyclic, branched, or linear completely methylated siloxanes; [various]
 the following classes of perfluorocarbons: [various]
 (A) cyclic, branched, or linear, completely fluorinated alkanes;
 (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
 and
 (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
- (2) the following low-reactive organic compounds which have been exempted by the U.S. EPA:
- acetone; [67-64-1]
 ethane; [74-84-0]
 methyl acetate; [79-20-9]
 perchloroethylene; [127-18-4]
 parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene); [98-56-6]
 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 difluoromethane (HFC-32);
 fluoroethane (ethyl fluoride or HFC-161);
 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 1,1,2,2,3-pentafluoropropane (HFC-245ca);
 1,1,2,3,3-pentafluoropropane (HFC-245ea);
 1,1,1,2,3-pentafluoropropane (HFC-245eb);
 1,1,1,3,3-pentafluoropropane (HFC-245fa);
 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 chlorofluoromethane (HCFC-31);
 1-chloro-1-fluoroethane (HCFC-151a);
 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OCH₃);
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200);
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅);
 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);
 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)-hexane (HFE-7500);
 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 methyl formate (HCOOCH₃);
 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
 propylene carbonate;
 dimethyl carbonate;
 HCF₂OCF₂H (HFE-134);
 HCF₂OCF₂OCF₂H (HFE-236cal2);
 HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);
 HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
 trans 1-chloro-3,3,3-trifluoroprop-1-ene;
 2,3,3,3-tetrafluoropropene; and
 2-amino-2-methyl-1-propanol.

* NOTE: Chemical Abstract Service (CAS) identification numbers have been included in brackets [] for convenience.

- (24) "Running Loss Emissions" means evaporative emissions from a small off-road engine that occur while it is being operated.
- (25) "SAE J30" means SAE J30, *Fuel and Oil Hoses*, Revised February 2012.
- (26) "SAE J1527" means SAE J1527, *Marine Fuel Hoses*, Revised February 2011.
- (27) "SAE J1737" means SAE J1737, *Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation*, Stabilized May 2013.
- (28) "SAE J2996" means SAE J2996, *Small Diameter Fuel Line Permeation Test Procedure*, Issued January 2013.

- (29) "SHED" (Sealed Housing Evaporative Determination) means the enclosure and associated equipment used to determine evaporative emissions. A SHED must meet the design specifications in 40 Code of Federal Regulations Part 86.107-96.
- (30) "Small Production Volume Tank Exemption" applies to all models with identical tanks produced by an engine or equipment manufacturer with total California production volume of 400 or fewer units per year.
- (31) "TP-901" means *Test Procedure for Determining Permeation Emissions from Small Off-Road Engine Fuel Tanks*, adopted July 26, 2004, and amended September 18, 2017.
- (32) "TP-902" means *Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines*, adopted July 26, 2004, and amended September 18, 2017.
- (33) "Walk-Behind Mower" means a grass-cutting product which has:
- (A) A Class I vertical shaft engine that includes a blade brake mechanism that provides for compliance with ANSI B71.1 requirements; or
 - (B) A horizontally fixed blade and/or string directly attached to the crankshaft of a vertical shaft engine.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code.
Reference: Section 43013, Health and Safety Code.

§2753. Certification Requirements and Procedures.

(a) Certification.

Small off-road engines or equipment that use small off-road engines subject to this Article must contain evaporative emission control systems. The evaporative emission control systems must be certified annually to the evaporative emission standards set out in sections 2754 through 2757 of this Article by the Air Resources Board. An Executive Order of Certification for such engines or equipment must be obtained prior to the sale or lease, or the offering for sale or lease, for use or operation in California or the delivery or importation for introduction into commerce in California. Engine manufacturers or equipment manufacturers may apply for an Executive Order of Certification. For model years 2006-2019, applicants must follow the certification procedures outlined in CP-901, *Certification and Approval Procedure for Small Off-Road Engine Fuel Tanks*, adopted July 26, 2004, or CP-902, *Certification and Approval Procedure for Evaporative Emission Control Systems*, adopted July 26, 2004, as applicable,

which are incorporated by reference herein. For model year 2020 and subsequent model years, applicants must follow the certification procedures outlined in CP-901, adopted July 26, 2004, and amended September 18, 2017, or CP-902, adopted July 26, 2004, and amended September 18, 2017, as applicable, which are incorporated by reference herein. For model year 2018 and 2019, an applicant may follow the certification procedures outlined in CP-901, adopted July 26, 2004, and amended September 18, 2017, or CP-902, adopted July 26, 2004, and amended September 18, 2017, as applicable, in lieu of those in CP-901, adopted July 26, 2004, or CP-902, adopted July 26, 2004, as applicable. An applicant must also meet the bond requirements in section 2774 before an Executive Order of Certification will be issued for model year 2020 and subsequent model year evaporative families.

- (b) Certification of Complete Systems for Engines or Equipment using engines with displacement greater than 80 cc.

Certification of a complete evaporative emission control system is required. An application for certification of an evaporative emission control system to the diurnal emission standards in section 2754 or 2757 of this Article must include a determination of the engine or equipment model in the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard and detail the criteria used to make that determination. The applicant must also include one of the following for the engine or equipment model in the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard:

- (1) Diurnal emission test results, determined using TP-902;
 - (2) All of the following:
 - (A) fuel tank permeation data, determined using TP-901,
 - (B) fuel line permeation data, determined using SAE J1737 (Stabilized May 2013), SAE J30, SAE J1527, or, only for fuel lines with inner diameter 4.75 mm or less, SAE J2996, and
 - (C) carbon canister butane working capacity data determined using TP-902 or equivalent; or
 - (3) The Executive Order numbers approving the fuel tank, fuel line, and carbon canister pursuant to section 2767.1 of this Article.
- (c) Certification of Complete Systems for Engines or Equipment using engines with displacement less than or equal to 80 cc.
An application for certification of an evaporative emission control system to the fuel tank permeation standard specified in section 2755 or 2757 must include fuel

tank permeation data for the fuel tank in the evaporative family that is expected to exhibit the highest permeation rate relative to the applicable permeation emission standard. The application shall also detail the criteria used to determine which fuel tank in the evaporative family is expected to exhibit the highest permeation rate relative to the applicable permeation emission standard.

(d) Modifications to the Evaporative Emission Control System.

For previously certified evaporative emission control systems:

- (1) Holders may replace the nominal fuel line of a certified evaporative emission control system for which diurnal emission test results were submitted as part of the certification application with an equivalent fuel line.
- (2) Modification of any certified evaporative emission control systems in any manner other than replacement of the nominal fuel lines with equivalent fuel lines invalidates the certification of the control system. When any evaporative emission control system's certification is invalidated due to an unapproved modification, a new certification is required per CP-902, adopted July 26, 2004, or CP-902 adopted July 26, 2004, and amended September 18, 2017, as applicable, depending on the model year.
- (3) Holders shall notify the Executive Officer in writing of any modification of any certified evaporative emission control system. The notification must include a statement citing the basis for the equivalent fuel line determination.

(e) Reduced Certification Requirements.

Manufacturers meeting the requirements of section 2766 of this Article must be certified annually by the Air Resources Board by submitting a Letter of Conformance. The Letter of Conformance must include, at a minimum, a statement citing the basis for complying with section 2766. An Executive Order of Certification for such engines or equipment must be obtained prior to the sale or lease, or the offering for sale or lease, or the delivery or importation for introduction into commerce in California of such engines or equipment in California.

(f) A Holder whose Executive Order has been suspended or revoked must submit diurnal emission test results, determined using TP-902, for all evaporative families using engines with displacement greater than 80 cc, as described in subsection (b) of this section, according to the following schedule:

- (1) For one model year after the first finding of noncompliance;

- (2) for five model years after the second finding of noncompliance; and
- (3) for ten model years after any subsequent finding of noncompliance.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code.
 Reference: Section 43013, Health and Safety Code.

§2754. Diurnal Emission and Design Standards.

- (a) Table 1 below specifies the diurnal emission and design standards for small off-road engines, and equipment that use small off-road engines, with displacements greater than 80 cc, on and after the model years indicated.

Table 1
 Diurnal Emission and Design Standards

Effective Date Model Year	Diurnal Emission Standards (g organic material hydrocarbon equivalent·day ⁻¹)	Design Standards		
		Fuel Line Permeation Emission Standard ¹ (g ROG·m ⁻² ·day ⁻¹)	Fuel Tank Permeation ² Emission Standard (g ROG·m ⁻² ·day ⁻¹)	Carbon Canister ³ or Equivalent Butane Working Capacity Standard (g organic material hydrocarbon equivalent)
Displacement Category: Walk-Behind Mowers >80 cc - <225 cc				
2006	None	15	None	None
2007 and 2008	1.3	N/A	N/A	N/A
2009	1.0	N/A	N/A	N/A
Displacement Category: > 80 cc - < 225 cc (except Walk-Behind Mowers)				
2006	None	15	None	None
2007 through 2011	1.20 + 0.056 × nominal capacity (liters)	15	2.5	Specified in TP-902
2012	0.95 + 0.056 × nominal capacity (liters)	15	1.5	Specified in TP-902
Displacement Category: ≥ 225 cc				
2006 and 2007	None	15	None	None
2008	1.20 + 0.056 × nominal capacity (liters)	15	2.5	Specified in TP-902
2013	1.20 + 0.056 × nominal capacity (liters)	15	1.5	Specified in TP-902

¹ For model year 2006 only, all engines and equipment with displacements > 80 cc - <225 cc must comply with the fuel line permeation emission standard. For model years 2006 and 2007, all engines and equipment with displacements greater than or equal to 225 cc must comply with the fuel line permeation emission standard.

² Permeation emissions as determined by TP-901. Permeation emissions must be measured to two significant digits.

³ Canister design requirements and the procedure for determining butane working capacity are specified in TP-902. The Executive Officer may designate technology equivalent to carbon canisters on a case by case basis as part of the certification process per section 2767.

On or after the model year set out in Table 1 of this section, diurnal emissions from any small off-road engine or equipment unit that uses a small off-road engine with displacement greater than 80 cc must not exceed the diurnal emission standards specified in Table 1 of this section.

- (b) An applicant certifying engines or equipment to comply with the diurnal emission standards under this section shall do the following:
- (1) Submit a determination in the certification application that running loss emissions are controlled from being emitted into the atmosphere. The Executive Officer must approve the determination for an Executive Order of Certification to be issued. Approval by the Executive Officer is not required if actively purged carbon canisters meeting the requirements of this article are used.
 - (2) Provide test data in the certification application showing that all fuel lines meet the permeation requirement of 15 grams of ROG per square meter of surface area of the surface in contact with fuel per day when tested with LEV III Certification Gasoline using test procedure SAE J1737 (Stabilized May 2013), SAE J30, SAE J1527, or, only for fuel lines with inner diameter 4.75 mm or less, SAE J2996, which are incorporated herein by reference. The permeation testing must be conducted at 40°C, or higher, and ambient pressure. The fuel defined in 40 CFR Part 1060.515(a)(2) or CE10 may be used as an alternative test fuel. Alternatively, applicants can submit the Executive Order number approving the fuel lines pursuant to section 2767.1 of this Article.
- (c) An applicant certifying engines or equipment to comply with the diurnal emission standards under this section shall also do one of the following:
- (1) Provide diurnal emission test data for the engine or equipment model in the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard, in accordance with TP-902; or
 - (2) Provide test data in the certification application showing that the fuel tank and carbon canister meet the applicable design standards listed in Table 1 of this section. Alternatively, an applicant can submit the Executive Order

numbers approving the fuel tank and carbon canister pursuant to section 2767.1 of this Article.

- (d) For model year 2020 and subsequent model years, if carbon canisters are used in an evaporative emission control system, they must be installed in a way that prevents exposing the carbon to water or liquid fuel.
- (e) For model year 2020 and subsequent model years, all fuel lines must be securely connected to prevent fuel leakage throughout the useful life of the evaporative emission control system. Fuel line assembly testing shall be conducted in accordance with the Fuel Line Assembly Tensile Test in section 5.4 of ANSI/OPEI B71.10-2013, which is incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code.
Reference: Section 43013, Health and Safety Code.

Other Sections.

For the following sections, please visit <https://bit.ly/2ZAxx8b>

- §2754.1. Certification Averaging and Banking.
- §2754.2. Validation Study.
- §2755. Permeation Emission Standards.
- §2756. Fuel Cap Performance Standard.
- §2757. Optional Evaporative Emission Standards.
- §2759. Equipment and Component Labeling.
- §2760. Defects Warranty Requirements for Small Off-Road Engines.
- §2761. Emission-Related Defect and Production Volume Reporting Requirements.
- §2762. Voluntary Emission Recall Program.
- §2763. Ordered Recalls.
- §2764. Evaporative Emission Control System Warranty Statement.
- §2765. New Equipment Compliance Testing.
- §2766. Exemptions.
- §2767. Innovative Products.
- §2767.1. Approved Evaporative Emission Control System Components.
- §2768. Variances.
- §2769. Inspection.
- §2770. Denial, Suspension or Revocation of Certification.
- §2771. Appeals.
- §2772. Penalties.
- §2773. Severability.
- §2774. Bond Requirements.



South Coast
Air Quality Management District



Commercial
Electric
Lawn & Garden
EQUIPMENT
Incentive & Exchange Program

Products
Available



EXHIBIT C

Participating Manufacturers

For More Information

To view additional information on the Commercial Electric Lawn and Garden Equipment program please visit the program website: www.aqcmd.gov/lawnngarden

To speak with a staff person call 888-425-6247 (Tuesday-Friday) 7:30 a.m. to 5:00 p.m. or send a question to lawnngarden@aqcmd.gov



Commercial
**Electric
Lawn & Garden
EQUIPMENT**
(Incentive & Exchange Program)

Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program

PROGRAM GOALS:

Improve air quality by exchanging older, polluting gasoline- or diesel-powered commercial lawn and garden equipment for new zero emission, battery electric commercial grade equipment for operation within South Coast AQMD's (SCAQMD) four-county region. Priority will be given to environmental justice (EJ) or disadvantaged communities which will be identified using the CalEnviroScreen mapping tool, but all users within the SCAQMD jurisdiction are eligible.

ELIGIBILITY:

Commercial gardeners and landscapers, local government agencies, school districts and colleges, and non-profit organizations are eligible to participate. One equivalent operable gasoline- or diesel-powered piece of lawn and garden equipment must be scrapped to qualify for incentive funding towards battery-electric replacement equipment. Funding is not available to purchase gasoline-powered equipment under this new exchange program.

MANUFACTURERS:

There are six participating manufacturers offering multiple dealer locations throughout SCAQMD's four-county region. Simply visit one of these participating locations and bring the operable gasoline or diesel equipment to be exchanged.

PROCESS:

The participating dealers will test the old lawn and garden equipment for operability before responsibly draining all fluids and permanently dismantling the old equipment through a licensed dismantler.

NEW EQUIPMENT:

There will be the opportunity to select from a wide variety of available makes and models of commercial-grade electric lawn and garden equipment, including handheld trimmers, chainsaws, pruners, backpack and handheld blowers and ride-on, stand-on, walk-behind and robotic lawn mowers.

INCENTIVE FUNDING:

This exchange program reduces the purchase price of the commercial electric lawn and garden equipment. While SCAQMD will prioritize funding in EJ or disadvantaged communities to the extent possible, the program is available to all eligible participants who work or reside in the broader geographic area within SCAQMD's jurisdiction.

Pursuant to state law, sales tax will be charged on the full retail value of each new piece of equipment.

This exchange program is funded through South Coast AQMD's Air Quality Investment Program and U.S. EPA Targeted Air Shed Grant.

Please check SCAQMD's website for the latest qualifying equipment and dealer locations.



Qualified Electric Lawn and Garden Equipment

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Lawn mower, C.M.-58V4AH, w/58V4AH battery & 58VA charger	\$200
2	Strip trimmer, CST-58V2AH, w/58V2AH battery & 58VA charger	\$100
3	Handheld blower, CPLB-58V2AH, w/58V2AH battery & 58VA charger	\$92
4	Chainsaw, CCS-58V4AH, w/58V4AH battery & 58VA charger	\$120
5	Hedge trimmer, CHT-58V2AH, w/58V2AH battery & 58VA charger	\$120



ECHO Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1 Alan's Lawnmower & Garden Center	12194 Friestone Blvd.	Norwalk	90650	(562) 868-5515
2 Alan's Lawnmower & Garden Center	4521 West First Street	Santa Ana	92703	(714) 775-1250
3 Andrew's Lawn Mower Shop	13613 Van Noy Blvd.	Pasadena	91331	(818) 834-0100
4 B. & M. Lawn & Garden, Inc.	2901 East Miraloma Avenue	Anaheim	92806	(714) 956-5490
5 Best Lawnmower Services	722 South Beach Blvd.	La Habra	90631	(562) 887-4550
6 Chris' Lawnmower	3917 Sepulveda Blvd.	Culver City	90230	(310) 387-6557
7 Dan's Lawnmower Center	652 West Rialto Avenue	Rialto	92376	(909) 875-0811
8 La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(909) 596-2353
9 Lawn Mower Corner	1175 East Highland Avenue	San Bernardino	92404	(909) 889-0425
10 Marcob's Hardware and Garden	1557 East Walnut Street	Pasadena	91106	(626) 792-7257
11 Nurture-AQ Solutions	1734 Saticoy Street	Reseda	91335	(818) 715-1834
12 Parkway Lawnmower Shop	28690 Las Huelmasas Street	Temecula	92590	(951) 676-2350
13 Rivera's Lawnmower Shop	9935 Mulholland Blvd.	Irvine	92618	(949) 855-4288
14 Rivera's Power Equipment	1525 W. El Segundo Blvd.	Gardena	90249	(323) 755-1493
15 Simon's Power Equipment, Inc.	11033 Rosecrans Avenue #F	Norwalk	90650	(562) 868-8955
16 Stutz Equipment	12117 Vanowen Street	North Hollywood	91605	(818) 982-5131
17 Stutz Equipment	45050 Golf Center Pkwy	Indio	92201	(760) 775-1344
18 Tak's Hardware & Garden Supply	4811 Brooks Street	Monterey	91763	(909) 526-8536
19 Tom's Lawnmower, Garden & Chain Saw Center	3318 West Jefferson Blvd.	Los Angeles	90013	(323) 732-9596
20 Yamaha Company	3238 Foothill Blvd.	La Crescenta	91214	(818) 248-3866
21 Yamaha Company	708 West Gardner Blvd.	Gardena	90247	(310) 527-5598

www.echordless.com



Qualified Electric Lawn and Garden Equipment

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	String trimmer, 536LUX, OC500 & BL1300	\$320
2	Articulated hedge trimmer, 536LHE3, OC500 & BL1300	\$360
3	Powered hedge trimmer, 536LH60X, OC500 & BL1300	\$360
4	Top handle chainsaw, T536LXP, OC500 & BL1300	\$360
5	Lead blower, backpack battery, 436LUB, OC500 & BL1950X	\$560
6	Quiet lead blower, backpack battery, 540BRX, OC500 & BL1950X	\$600
7	Pole saw, 536LIP4, OC500 & BL1300	\$360
8	Telescopic pole saw, 536LPT5, OC500 & BL1300	\$400
9	Lawn mower, LE21P, OC30 & BL120	\$200
10	Lawn mower, self-propelled, LE221R, OC30 & BL120	\$240
11	Lawn mower, robotic, 315	\$800
12	Lawn mower, robotic, 450X	\$1,400

Husqvarna Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1	12194 Firestone Blvd.	Norwalk	90650	(562) 868-6515
2	4621 West First Street	Santa Ana	92703	(714) 775-1250
3	B & M Lawn & Garden, Inc.	Anaheim	92806	(714) 965-6460
4	Crop Production Services	Temecula	92590	(951) 676-2990
5	Dak's Lawnmower & Landscaping	Panorama City	91402	(818) 881-4553
6	La Verne Power Equipment, Inc.	La Verne	91750	(909) 536-2333
7	La Verne Power Equipment, Inc.	San Bernardino	92404	(909) 869-6425
8	Lawn Tech Corner	Pasadena	91106	(626) 752-7257
9	Lawn Tech Equipment Co.	Riverside	92508	(951) 780-1788
10	Parkway Lawnmower Shop	Irvine	92618	(949) 855-4288

www.husqvarna.com





Qualified Electric Lawn and Garden Equipment

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Handheld blower XBU02PT1 (includes 4 - BL1850B batteries and 1 - DC18RD dual port charger)	\$145
2	Chainsaw XBU03PT1 (includes 4 - BL1850B batteries and 1 - DC18RD dual port charger)	\$173
3	String trimmer XBU03PT (includes 2 - BL1850B batteries and 1 - DC18RD dual port charger)	\$158
4	Hedge trimmer XBU04PT (includes 2 - BL1850B batteries and 1 - DC18RD dual port charger)	\$158



Makita Authorized Dealers or Distributors

	Dealer Name	Street Address	City	Zip Code	Phone Number
1	A-1 Power Equipment	15690 Foothill Blvd.	Fountain	92335	(951) 427-8938
2	Alan's Lawnmower & Garden Center	12194 Friestone Blvd.	Norwalk	90650	(562) 868-8515
3	Alan's Lawnmower & Garden Center	4621 West First Street	Santa Ana	92703	(714) 775-1250
4	B. & M. Lawn & Garden, Inc.	2831 East Miraloma Avenue	Anaheim	92816	(714) 986-5460
5	Chino Mower and Engine Service	13546 Central Avenue Suite A	Chino	91710	(951) 627-2384
6	Dak's Lawnmower & Landscaping	9519 Van Noy Blvd.	Panorama City	91402	(818) 891-0453
7	El Niño Garden Equipment	435 West Actor Vibe Street	Inglewood	90301	(310) 677-4281
8	El West Lawnmower	5683 York Blvd.	Los Angeles	90042	(323) 255-5441
9	Garvey Equipment Company	489 South Pine Street	San Gabriel	91776	(626) 285-4150
10	Greenland Supply, Inc.	68279 Kaley Road	Inglewood	90301	(310) 695-9990
11	Jimmy's Equipment	1641 East Walnut Street	Pasadena	92234	(760) 324-1216
12	King Power Equipment Rental & Supplies	720 Arrow Highway	La Verne	91750	(626) 356-4056
13	La Verne Power Equipment, Inc.	825 South La Brea Avenue	San Bernardino	92404	(951) 869-9425
14	Landscapes Warehouse II	1175 East Highland Avenue	Burbank	91502	(818) 953-7417
15	Landscapes Warehouse II	202 North Lake Street	Sudland	91040	(618) 551-9259
16	Leon's Chiselaw & Lawn Mowers	3199 Orange Avenue	Signal Hill	90755	(562) 424-1697
17	M. Hera Lawnmower Center	4481 Sepulveda Blvd.	Chico City	92330	(951) 975-9403
18	Ora Garden Supply, Inc.	9535 Mainland Blvd.	Irvine	92618	(949) 859-4288
19	PCH Lawnmower Shop	1101 West Pacific Coast Highway	Wilmington	90744	(310) 864-1286
20	Rivers Lawnmower, Inc.	1525 West El Sepulveda Blvd.	Garden	92649	(951) 753-1836
21	Sepulveda Lawn Mower Shop	6222 Sepulveda Blvd.	Garden	91902	(626) 783-8895
22	Sims' Power Equipment, Inc.	12117 Vanowen Street	North Hollywood	91605	(818) 882-8121
23	Saulber's Lawn Equipment, Inc.	32386 Mission Trail	Lake Elsinore	92530	(951) 674-8822
24	Saulber's Lawn Equipment	1932 Elise Circle	Chino	92509	(951) 808-9187
25	We-Do Equipment Repair & Supply				

www.makitatools.com/aqmd



Qualified Electric Lawn and Garden Equipment

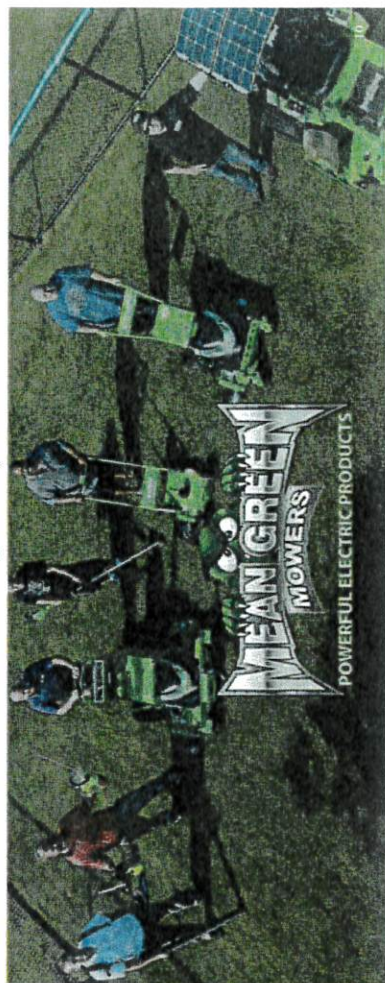
	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Walk behind mower, WBX-33 Estate package	\$3,898
2	Walk behind mower, WBX-33 Contractor package	\$4,500
3	Walk behind mower, DWBX-48 Contractor package	\$6,248
4	Walk behind mower, DWBX-48 Industrial package	\$7,998
5	Walk behind mower, DWBX-52 Contractor package	\$6,475
6	Walk behind mower, DWBX-52 Industrial package	\$8,225
7	Stand on zero turn mower, SK-48 Estate package	\$6,650
8	Stand on zero turn mower, SK-48 Contractor package	\$8,400
9	Ride on zero turn mower, CPS-52 Contractor package	\$9,500
10	Ride on zero turn mower, CPS-52 Industrial package	\$12,500
11	Ride on zero turn mower, CPS-60 Contractor package	\$8,750
12	Ride on zero turn mower, CPS-60 Industrial package	\$13,000



Mean Green Mowers Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1 B & M Lawn & Garden, Inc.	2801 East Miraloma Avenue	Ancalim	92806	(714) 996-5490
2 Dan's Lawnmower Center	1652 West Placita Avenue	Rialto	92376	(951) 875-0811
3 Lawn Mower Corner	1657 East Walnut Street	Pasadena	91106	(626) 792-7297
4 Lawn Tech Equipment Co.	18635 Van Buren Blvd. # B-1	Riverside	92508	(951) 780-7268
5 Strat Equipment	4811 Brooks Street	Montclair	91763	(909) 626-8586
6 West Hills Lawn Mower Shop Inc.	8101 Canoga Avenue	Canoga Park	91304	(818) 710-1377

www.meangreenproducts.com





Qualified Electric Lawn and Garden Equipment

Equipment, Battery and Charger (bundle)

- Blower, model BL120VX w/BR975 backpack battery & C1600 charger
- String trimmer, model ST120VX w/BR975 backpack battery & C1600 charger
- Hedge trimmer, model HT120VX w/BR650 backpack battery & C1600 charger
- Edger, model EE120VX w/BR650 backpack battery & C1600 charger

- Purchaser Cost (plus tax)**
- \$544
 - \$571
 - \$502
 - \$496



OREGON Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1 A-1 Lawnmower, Inc.	7123 Canoga Avenue	Canoga Park	91303	(818) 348-9990
2 Ace Lawn Mower & Saw	385 East Grand Blvd.	Corona	92879	(951) 738-6990
3 Alan's Lawnmower & Garden Center	12194 Firestone Blvd.	Norwalk	90650	(562) 868-6115
4 Alan's Lawnmower & Garden Center	4621 West First Street	Santa Ana	92703	(714) 775-1250
5 B & M Lawn & Garden, Inc.	2801 East Miraloma Avenue	Archdell	92886	(714) 986-5490
6 Chino Mower and Engine Service	13546 Central Avenue Suite A	Chico	91710	(909) 637-2394
7 Empire Mowers Inc.	22410 Alessandro Blvd.	Mirero Valley	92553	(951) 697-6698
8 Inland Power Equipment	81-405 Highway 111	Indio	92201	(760) 347-3155
9 Lawn Mower Corner	1657 East Wallut Street	Pasadena	91106	(626) 792-7297
10 Lawn Mower Corner	1621 West Garvey Avenue #N	West Covina	91750	(626) 962-2141
11 Lawn Tech Equipment Co.	18935 Van Buren Blvd. # B-1	Riverside	92508	(951) 780-1788
12 M. Hara Lawnmower Center	3199 Orange Avenue	Signal Hill	90755	(562) 424-1897
13 Mowers Plus Inc.	79141 Country Club Drive	Bermuda Dunes	92203	(760) 772-2153
14 Toro's Lawnmower, Garden & Chain Saw Center	3238 Foothill Blvd.	La Cressena	91214	(618) 248-8886
15 Wilbur-Ellis Company	2275 East Locust Court	Ontario	91761	(909) 930-6440

www.oregon120v.com



REAL POWER
The First to Receive CARB's Professional-Level Zero Emissions Equipment Certification

Oregon120V.com



Qualified Electric Lawn and Garden Equipment

Equipment, Battery and Charger (bundle)

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Lead blower BGA 85, AP 300 battery, and AL 300 charger and AL 300 charger	\$205
2	Lead blower BGA 100, AR 2000 backpack battery, and AL 300 charger	\$500
3	Lead blower BGA 100, AR 3000 backpack battery, and AL 300 charger	\$540
4	Grass trimmer FSA 90R, AP 300 battery, and AL 300 charger	\$225
5	Hedge trimmer HLA 65, AP 300 battery, and AL 300 charger	\$255
6	Hedge trimmer HLA 85, AP 300 battery, and AL 300 charger	\$328
7	Hedge trimmer HSA 86, AP 300 battery, and AL 300 charger	\$300
8	Pole pruner HTA 65, AP 300 battery, and AL 300 charger	\$250
9	Telescoping pole pruner HTA 85, AP 300 battery, and AL 300 charger	\$325
10	Chainsaw MSA 150 C-80, AP 300 battery, and AL 300 charger	\$225
11	Chainsaw MSA 200 C-80, AP 300 battery, and AL 300 charger	\$275
12	Lawn mower and its grass catcher RMA 510, AP 300 battery and AL 300 charger	\$240

STIHL Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1 A-1 Power Equipment	15800 Foothill Blvd.	Fountain	92335	(909) 427-8098
2 Willomar ACE Hardware Inc.	23801 Clinton Keith Road	Willomar	92555	(951) 834-9075
3 Alan's Lawnmower & Garden Center	4821 West First Street	Santa Ana	92703	(714) 775-1250
4 P. & M. Lawn & Garden, Inc.	2901 East Miraloma Avenue	Arcadia	92806	(714) 595-5490
5 Best Lawnmower Services	722 South Beach Blvd.	La Habra	90631	(562) 697-4550
6 Chino Mower and Engine Service	13546 Central Avenue Suite A	Chino	91710	(909) 627-2984
7 Dan's Lawnmower Center	652 West Rialto Avenue	Rialto	92376	(909) 875-0811
8 Direct Rentals, Inc.	8705 Crocker Street	Los Angeles	90003	(323) 541-6990
9 La Verne Power Equipment, Inc.	1175 East Highland Avenue	San Bernardino	92404	(909) 889-0425
10 La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(909) 595-2993
11 Marco Power Equipment	11164 Atlantic Blvd.	Lynwood	90262	(310) 638-8120
12 Parkway Lawnmower Shop	9935 Mulholland Avenue	Irvine	92618	(949) 855-4288
13 RJS Demolition and Disposal	1135 East Florence Avenue	Inglewood	90302	(310) 680-2800
14 Seguieta Lawn Mower Shop	8202 Sepulveda Blvd.	Panorama City	91402	(818) 780-0805
15 Simon's Power Equipment, Inc.	12117 Vanowen Street	North Hollywood	91605	(818) 982-6131
16 Tom's Lawnmower, Garden & Chain Saw Center	3230 Foothill Blvd.	La Crescenta	91214	(818) 248-3886
17 Yoshi Lawnmower Shop, LLC	852 Williams Road	Palm Springs	92254	(760) 778-4248

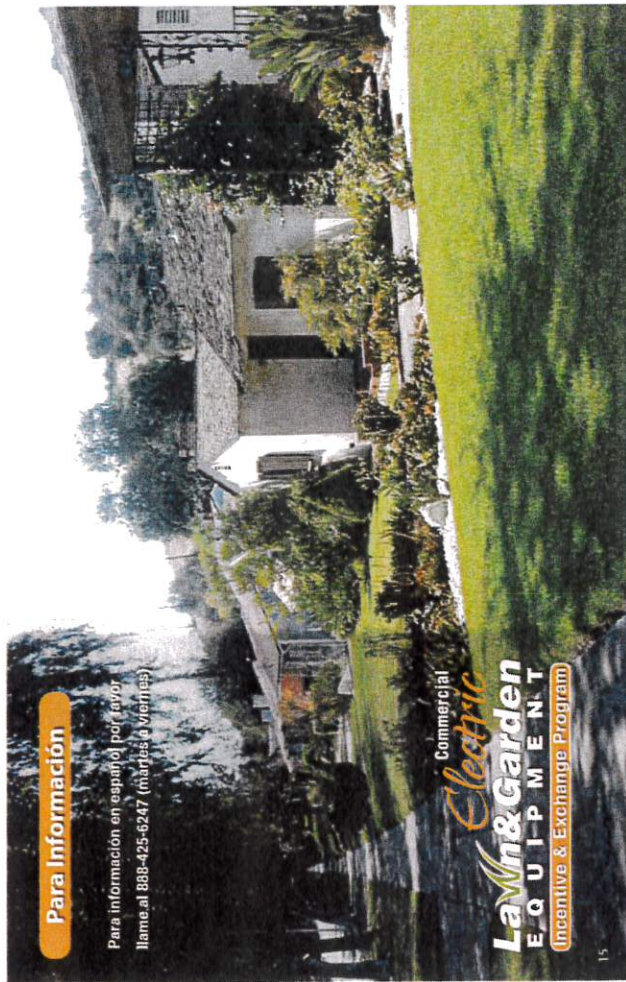
www.stihlusa.com



Para Información

Para información en español por favor
llame al 888-425-6247 (martes a viernes)

Commercial
**Lawn & Garden
EQUIPMENT**
Incentive & Exchange Program



Programa de incentivo para intercambio de maquinaria eléctrica comercial de césped y jardinería

OBJETIVOS DEL PROGRAMA:

El mejorar la calidad del aire intercambiando maquinaria comercial de gasolina o diesel, por maquinaria comercial de césped y jardinería nueva, con batería eléctrica de alto grado, para operar dentro la región de la Administración de la calidad del aire de la Costa Sur (SCAQMD) abarcando cuatro condados. Habrá especial enfoque para identificar comunidades con desventaja ambiental o con necesidad de justicia ambiental (EJ) por medio de un sistema llamado CalEnviroScreen.

LA ELEGIBILIDAD:

Jardineros y paisajistas profesionales, agencias locales gubernamentales, distritos, escolares y colegios, y organizaciones no lucrativas son elegibles para participar. Cada pieza equivalente de césped y jardinería operable de gasolina o diesel debe ser desechada para calificar a un incentivo hacia el reemplazo a maquinaria con batería eléctrica de alto

grado. No habrá fondos disponibles para maquinaria de gasolina bajo este nuevo programa de intercambio.

LOS FABRICANTES:

Hay seis fabricantes participantes ofreciendo varios lugares de intercambio en toda el área de la agencia SCAQMD. Visite uno de estos lugares de los fabricantes participantes y traiga su maquinaria operable de gasolina para intercambiar.

EL PROCESO:

Los fabricantes participantes probarán la maquinaria vieja de césped y jardinería para verificar operatividad, vaciarán los fluidos responsablemente antes de enviarla a ser destruida permanentemente por medio de un desmantelador profesional.

LA MAQUINARIA NUEVA:

Habría la oportunidad de seleccionar de una amplia variedad de marcas y modelos en maquinaria eléctrica de alto

grado comercial de césped y jardinería incluyendo podadoras de mano, motosierras, desputadoras, sopladoras de mano y de mechilla, cortacésped de mano, de empuje y robóticas.

FONDOS DE INCENTIVO:

Este programa de intercambio reduce el precio de la maquinaria eléctrica comercial de césped y jardinería. Mientras que SCAQMD trata prioridad en fondos a comunidades con desventaja ambiental al nivel más extenso posible, el programa estará disponible a todos los participantes elegibles que trabajen o residan en el área geográfica extensa dentro la jurisdicción de SCAQMD.

En cumplimiento con la ley estatal, los impuestos serán cobrados basados en el precio total de menudeo por cada pieza nueva.



South Coast Air Quality Management District

Incentive Programs

Residential Electric Lawn Mower Rebate Program

Help clean the air by replacing your old gasoline lawn mower with a battery electric model and receiving a rebate based on the purchase price of your new mower.
www.aqmd.gov/lawnmower

Residential EV Charging Incentive Pilot Program

The program will provide an incentive to buy-down the cost of residential chargers. The program is on a first come, first served basis and will provide up to \$250 for the cost of hardware for Level 2 residential chargers.
www.aqmd.gov/home/programs/community

Replace Your Ride

Qualified applicants could receive up to \$9,500 to replace their existing vehicle with a newer, cleaner model or other clean modes of transportation.
www.replaceyourride.com

Carl Moyer Program

Grants from the Carl Moyer Program for helping replace older heavy-duty diesels with cleaner technologies. The program includes on-road and off-road projects.
www.aqmd.gov/moyer

Lower-Emission School Bus Program

Incentives to public school districts to purchase new clean buses in order to retire their highest-polluting buses.
www.aqmd.gov/programs/prevaw/clean-school-buses

On-Road Heavy-Duty Voucher Incentive Program

Help for fleets with 10 or fewer vehicles to replace high-polluting vehicles with lower-emission ones, or to install retrofit devices.
www.aqmd.gov/VRP

CLEANair Furnace Rebate Program

This program provides an incentive to residents within the SCAQMD's jurisdiction who purchase and install a compliant furnace that meets the SCAQMD Rule 1111 Nitrogen Oxide (NOx) emission limit.
www.cleanairfurnacerebate.com



“The Right to Breathe”

Featuring South Coast AQMD Chairman William A. Burke, Esq.

The Right to Breathe video captures air quality issues in Southern California from an emotionally powerful and personal perspective.

“The Right to Breathe” may be viewed at:
<http://www.herighttobreath.org>

South Coast Air Quality Management District
21865 Copley Drive • Diamond Bar, CA 91765-4178
www.aqmd.gov

For more information, visit the program website at

- www.aqmd.gov/lawnmower
- Sign-up to receive information at www.aqmd.gov/sign-up and select Commercial Lawn and Garden Exchange
- Questions? Email lawngarden@aqmd.gov or call 888-425-6247

Other Jurisdiction Research

ATTACHMENT 9

The following is a summary of research on other jurisdictions with a ban or regulations for leaf blowers.

Jurisdictions with regulation and no ban on leaf blowers

Dana Point

In residential areas, leaf blowers are allowed from 9:00 a.m. to 5:00 p.m. Monday through Saturday (prohibited on legal holidays). Commercial, industrial and recreational areas within two hundred feet of a residential area also have the same restriction. Noise from leaf blowers is generally limited to not exceed a noise level of 65 to 70 dB(A) (depending upon the date of purchase).

6.20.012 Regulations on Leaf Blower Operation.

- a) In residential areas, the use and operation of leaf blowers is prohibited except during the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday. The use and operation of leaf blowers is further prohibited on any day which is a legal holiday identified in this Code. For commercial, industrial, and recreational areas within two hundred (200N) feet of a residential area, the restricted hours of operation noted above shall apply.
- b) It shall be unlawful for any person operating a leaf blower to create any noise exceeding the following decibel levels when measured at a distance of fifty (50N) feet from such leaf blower:
 - 1) New leaf blowers purchased, leased, or rented on or after a date three (3) months from the effective date of this Chapter shall not exceed a noise level of 70 dba.
 - 2) New leaf blowers purchased, leased, or rented on or after forty-eight (48) months from the effective date of this Chapter shall not exceed a noise level of 65 dba.
 - 3) All leaf blowers other than those specified at Subparagraphs (1) and (2) hereinabove shall not exceed a noise level of 70 dba on or after one year from the effective date of this Chapter.
- c) Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- d) Each commercially operated leaf blower shall have affixed on it the business name, address, and telephone number in a clear, identifying manner.

Culver City, California

The city adopted an ordinance prohibiting the sale and use of leaf blowers with noise levels exceeding 65 decibels. The ordinance will become effective five years after its adoption (in 2022) to provide time for existing leaf blowers to deplete their useful life. Allowable hours of leaf blower operation are 8:00 a.m. to 6:00 p.m. Monday through Friday and 10 a.m. and 5:00 p.m. on Saturdays and Sundays.

Burlingame, California

Burlingame's leaf blower ordinance requires that all blowers be certified at 65 decibels, either by testing or by manufacturer rating. The city utilizes a pre-approved list by manufacturer from Consumer Reports wherein they were tested at 65 dB(A). The city allows blowers in designated residential areas with commercial blowers only one day per week 8:00 a.m. to 5:00 p.m. Residents may use blowers on Saturdays from 9:00 a.m. to 2:00 p.m. and Sundays from 10:00 a.m. to 2:00 p.m. in addition to their assigned weekday.

Jurisdictions with ban on certain leaf blowers

Below are regulations for cities with leaf blower bans. In addition to the following information, Exhibit A is a survey on jurisdictions with leaf blower bans. The survey was completed approximately in 2017 by the code enforcement division of the City of Berkeley through a network of partner cities in the California Association of Code Enforcement Officers.

Los Angeles

Los Angeles Municipal (LAMC) Section 112.04 (c) bans the use of the gas powered leaf blower device to minimize the nuisance and health related problems attributed to this type of equipment.

112.04(c) LAMC: The following ordinance became effective on February 13, 1998: "No gas powered blower shall be used within 500 feet of a residence at anytime. Both the user of such a blower as well as the individual who contracted for the services of the user if any, shall be subject to the requirements of and penalty provisions for this ordinance. Violation of the provisions of this subsection shall be punishable as an infraction in an amount not to exceed One Hundred Dollars (\$100)." This section does not preclude anyone from using other devices such as a gas powered vacuum device or electric leaf blower.

Newport Beach

Gas leaf blowers are prohibited in residential neighborhoods with some exceptions (see below). To protect residents from nuisance and excessive levels of noise, and to promote comfort, safety, and welfare, the City has adopted an ordinance prohibiting the operation of gas-powered leaf blowers in residential neighborhoods.

However, the City acknowledges that some common interest development's operating rules and regulatory framework can more closely address neighborhood impacts of leaf blowers and other exterior maintenance equipment. Therefore, a common interest development (as defined by Civil Code Section 1351) of five or more dwelling units may choose to opt-out of the Gas-Powered Leaf Blowers Ordinance by completing an online request.

Laguna Beach

Both gas and electric leaf blowers are banned within city limits.

7.25.070 Real property maintenance noise regulations.

(D) The use of electrical or gasoline powered blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits.

EXHIBIT A

Code Enforcement Association Survey

QUESTIONS	CITY OF HERMOSA BEACH	LEAF BLOWER BAN CITY OF MALIBU	CITY OF LOS GATOS	CITY OF SANTA MONICA	CITY OF BURBANK	CITY OF DEL MAR	CITY OF LOS ANGELES	CITY OF BEVERLY HILLS	CITY OF MALIBU
What is banned?	Gasoline/Electric (residential/commercial)	Gasoline (residential/commercial)	All Gasoline and 65 decibels or more Electric (residential/commercial)	Gasoline, Electric and Battery (residential/commercial)	Gasoline, Electric and Battery (residential/commercial) if exceeds 20 decibels	Gasoline/Electric (residential/commercial)	Gasoline (residential only)	Gasoline (residential/commercial)	Gasoline (residential/commercial)
1) Do you have any data or estimates related to how much more cost would be imposed upon the typical single family resident from their gardener if they were required to use gas instead of leaf blowers for their yards?	No research was conducted to estimate the cost.	No research was conducted to estimate the cost.	No research was conducted to estimate the cost.	No research was conducted to estimate the cost.	N/A	The City of Del Mar adopted this ban in the 1980's, the research as to increased cost to brown sweep if any was conducted at the time is not available.	N/A	N/A	With the Malibu population we don't go after the home owners since the majority of them have gardeners.
2) Are you aware of any significant increases in costs due to the city ban?	None observed.	No.	The Town purchased multiple compliant leaf blowers (electric backpack style at \$1,000.00 each)	Yes. The Code Enforcement Division has experienced an increased number of inbound calls since becoming the leaf enforcement agency overseeing the leaf blower ban. 3,029 Leaf Blower Calls between 2011 and 2012. 1,658 Leaf Blower Citations issued 11/7/2012-9/7/2016. 2,044 Government Outreach Leaf Blower requests beginning 2010. In 2015 Code Enforcement received 3,474 citizen complaints, 1,771 of those complaints were leaf blower complaints. N/A	N/A	UKN	UKN	UKN	Not necessarily. When we get reports, which is rare, we send the home owner a letter with the code banning gas blowers, noise, and the citation. We do not have a noise ordinance. The electric ones are still noisy as well.
3) Has this caused a significant increase in Code Enforcement calls/cases for your city?	No.	No.	85% of calls are regarding gas powered leaf blowers. The Town is two years into the ban. Note: Los Gatos has a population of 31,000.	The ban was adopted in 1991, not sure what kind of outreach was conducted then. It was updated in 2010. Our City established a website page to explain why leaf blowers are banned, the ordinance requirements, and to whom to report violations. We also included a flyer inside City's newsletter to inform all our residents. We also started up code and door hangers. The cost in 2010 was approximately \$7,500 for the design, printing, and mailing of the flyer and the tip cards. The door hangers were recently created and cost about \$400 for design and printing. We issued a press release that was picked up by the local newspaper. http://www.losgatosca.gov/officeofpublicworks/leafblowers	N/A	The majority of violations within the Code Enforcement Department arise from violating the ordinance.	N/A	N/A	N/A
4) Were you required to provide a significant amount of outreach to the community when the ban was established? If yes, what was your outreach strategy and cost?	View little outreach to the community was needed for this ban. The officers began giving out warnings to any homeowners that were employing gardeners who used leaf blowers, making them aware of the new ban. Homeowners visibly complied, very little citations were issued, a warning seemed to suffice.	The ban was posted on their website. Fliers were passed out to their residences and gardeners, it was also published in the Malibu Times.	A color postcard was sent to each property in the Town. Six months later leaflets were handed out to the landscapers who were not complying with the ban, the City provided leaflets in English and Spanish.	Leaf blower ban was implemented in 2010. The ban was adopted in 1991, not sure what kind of outreach was conducted then. It was updated in 2010. Our City established a website page to explain why leaf blowers are banned, the ordinance requirements, and to whom to report violations. We also included a flyer inside City's newsletter to inform all our residents. We also started up code and door hangers. The cost in 2010 was approximately \$7,500 for the design, printing, and mailing of the flyer and the tip cards. The door hangers were recently created and cost about \$400 for design and printing. We issued a press release that was picked up by the local newspaper. http://www.losgatosca.gov/officeofpublicworks/leafblowers	Even though this ban has been in place since the 1980's, the city still continues their outreach program, which consists of quarterly inserts in their water bills and leaf blower ban cards that are handed out in the field.	N/A	N/A	N/A	We did not on our web site, past flyers out to residences and gardeners, and placed it in the Malibu Times. We also play it at certain meeting and community events.
5) Can you provide me a list to your ordinance?	http://www.hermosabch.org/officeofpublicworks/leafblower-ban	http://www.cityofmalibu.org/officeofpublicworks/leafblower-ban	http://www.losgatosca.gov/officeofpublicworks/leafblowers	http://www.cityofburbank.org/officeofpublicworks/leafblowers	see sheet 2 for City of Burbank http://www.cityofburbank.org/officeofpublicworks/leafblowers	N/A	N/A	N/A	N/A
6) Have you had any problems or concerns with enforcement of the ban?	The only issue that Justin has noticed is that this ban has resulted in gardeners looking for other ways to clean up and sometimes results in using water to wash away the debris, which results in water waste and is also a violation of the ban.	None	This ordinance has consumed a lot of time. However, this is mainly due to the town having a population of 31,000 and only one Code Officer.	The biggest challenge Code Enforcement faces is that we receive a very high volume of citizen complaints, and have a very small window of opportunity to observe an actual violation in progress.	N/A	UKN	UKN	UKN	None.
7) Other ways to restrict the use of leaf blowers.	N/A	N/A	N/A	N/A	Leaf blowers were added to the City's noise ordinance list as a subcategory.	N/A	N/A	N/A	N/A

City	Ban all leaf blowers	Ban all gasoline-powered leaf blowers	Ban all leaf blowers during certain times of day	Ban all leaf blowers above a certain decibel level
Alameda County			•	
Belvedere		•		
Berkeley		•		
Beverly Hills		•		
Calexico			•	
Carmel		•		
Claremont		•		
Costa Mesa			•	
Culver City			•	
Cypress*		•		
Dana Point*		•		
Davis				•
Del Mar	•			
Foster			•	
Fountain Valley*		•		
Hermosa Beach	•			
Huntington Beach			•	
Indian Wells		•		
Indio			•	
Irvine*		•		
La Palma			•	
Laguna Beach	•			
Lawndale		•		
Loma Linda			•	
Lomita			•	
Long Beach			•	
Los Altos		•		
Los Angeles		•		
Malibu		•		
Manhattan Beach	•			
Manteca			•	
Menlo Park			•	
Mill Valley	•			

City	Ban all leaf blowers	Ban all gasoline-powered leaf blowers	Ban all leaf blowers during certain times of day	Ban all leaf blowers above a certain decibel level
Ojai		•		
Orange			•	
Orinda*		•		
Palo Alto		•		
Pasadena			•	
Perris			•	
Piedmont		•		
Richmond			•	
Rohnert Park			•	
Rolling Hills Estates*		•		
Sacramento			•	
San Anselmo			•	
San Diego			•	
Santa Barbara		•		
Santa Monica	•			
Saratoga*		•		
Solana*		•		
Sunnyvale			•	
Tiburon		•		
Tustin*		•		
West Hollywood		•		
Westminster*		•		
Totals:	6	26	22	1

Elon Musk says Tesla will develop a 'quiet electric leaf blower'

Dalvin Brown, USA TODAY Published 9:41 a.m. ET April 24, 2019

Just when you think Tesla is busy tackling groundbreaking tech projects like robotaxis and driverless cars, Musk comes out of nowhere announcing a possible new product line that nobody asked for.

Next up in the electric car maker's pipeline: electric leaf blowers.

On Tuesday, Tesla CEO Elon Musk says his company is planning to "develop a quiet, electric leaf blower," and like all good Tesla declarations, the news came via Twitter.



Elon Musk
@elonmusk

Tesla is going to develop a quiet, electric leafblower

244K 4:26 PM - Apr 23, 2019

[29.5K people are talking about this](#)

Musk sent a follow-up tweet with a pun. "Tesla blows," the CEO said.

P.S. electric leaf blowers already exist.

But a Tesla version of the silent petal-blowing contraption may actually happen.


Tesla plans: [Can robotaxis help Tesla owners make \\$30,000 a year. \(/story/tech/2019/04/23/elon-musk-says-tesla-owners-could-make-30-000-robotaxi-network/3549652002/\)?](#)

What's a frunk? [Electric cars like Rivian, Tesla, Jaguar offer unique storage spaces. \(/story/money/cars/2019/04/20/electric-car-frunks-tesla-rivian-jaguar/3520597002/\)](#)

Musk says the company may already have the parts to build it. "We can probably just repurpose Model 3 HVAC parts," he tweeted. "Not a big deal."

It's unclear if the leaf blower would be a whole new product line for Tesla or a limited run offering.

Musk claims the idea was suggested by people inside and outside of the Palo Alto-based company.

 **Weird AI** @AlvaroLuken · 18h
Replying to @elonmusk
@rainnwilson wasn't this your idea?

 **Elon Musk**
@elonmusk

It's been suggested by many, externally & internally

1,114 · 4:53 PM - Apr 23, 2019

49 people are talking about this

He also tweeted that the device will recharge quickly and have a long lasting battery. (<https://twitter.com/elonmusk/status/1120838867949502466>)

A few years ago, Musk founded another non-automotive project The Boring Company after reportedly getting stuck in traffic.

"Traffic is driving me nuts. Am going to build a tunnel boring machine and just start digging..." Musk Tweeted.

The Boring Company produced the viral limited-edition "not a flamethrower" flamethrower, which quickly sold out. The devices were priced at \$500 each.

Want a flamethrower?: Check eBay ([/story/money/business/2018/06/11/elon-musk-delivers-first-1-000-flamethrowers/692937002/](https://story.money/business/2018/06/11/elon-musk-delivers-first-1-000-flamethrowers/692937002/)).

It's not clear what prompted Tuesday's announcement. A day earlier, Musk said that Tesla was busy preparing to launch a fleet of Uber-like robot taxis next year.

Follow Dalvin Brown on Twitter: @Dalvin_Brown (http://twitter.com/Dalvin_Brown).

Read or Share this story: <https://www.usatoday.com/story/tech/2019/04/24/electric-leaf-blowers-exist-but-tesla-wants-make-better-one/3559822002/>



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 7, 2019

Agenda Item 9C
Approvals:
City Manager ES
Dept. Head EP for CGD
Attorney _____
Finance _____

Department: Community Development
Prepared By: Christopher Wright, Associate Planner II CTW

Subject: *REGULATION OF THE OPERATION OF LEAF BLOWERS – SUPPLEMENTAL REPORT*

Fiscal Impact: None. This item is limited to code changes that do not require expenses.

Summary: After an agenda report was finalized for this item, the Public Works Department requested revisions to the alternative ordinance staff proposes in the initial staff report. Staff recommends revisions to the alternative ordinance summarized below.

Background: San Clemente Municipal Code (SCMC) Section 8.48.090 exempts City maintenance, weed abatement, and other types of activities from noise standards between 7 a.m. and 6 p.m. on weekdays, and 8 a.m. and 6 p.m. on Saturdays, excluding holidays. The alternative ordinance requires leaf blower operations to occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. The operating hour restrictions would also apply to City maintenance, weed abatement, and other activities exempt from noise standards, if they occur within 200 feet of residential uses. The Public Works Department is concerned that the more restrictive operating hours would limit the City's ability to use leaf blowers to clear areas in front of businesses and public spaces when they aren't in use.

Discussion: The proposed revisions, provided as Attachment 1, would allow leaf blower operations to be exempt from the new operating hour restrictions for activities that are exempt from noise standards (e.g. City maintenance, Weed abatement, urgent construction activity for public safety, etc.).

Recommended Action: STAFF RECOMMENDS THAT THE CITY COUNCIL consider the proposed revisions, provided as Attachment 1, as part of the alternative ordinance in the initial staff report.

- Attachments:**
1. Proposed revisions to alternative ordinance recommended by staff (provided as Attachment 3 to initial staff report)
 2. SCMC Section 8.48.090, Activities exempt from noise standards

Contiguous parcels owned by the same individual or entity shall be considered one (1) parcel for purposes of this Chapter.

Section 8.48.090 – Exemptions from Chapter, Subsection G is amended as follows, and Subsection P is added, as follows:

- G. Noise sources associated with the maintenance of real property (except leaf blowers which are subject to Section 8.50) provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
- P. Leaf Blower Operation. Refer to Chapter 8.50.

Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:

- A. The use and operation of leaf blowers shall only occur Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding City-recognized holidays. Leaf blower operations for activities exempted from noise standards in Chapter 8.48, such as City maintenance and Weed Abatement Program activities, ~~shall only occur during~~ are exempt from these operating hour restrictions ~~when leaf blowers are operated within 200 feet of residential uses.~~
- B. Any person using or operating a leaf blower shall not cause dirt, dust, debris, leaves, grass clippings, cuttings, or trimmings from trees or shrubs to be blown or deposited on any other parcel, land, lot, street, alley, or gutter from which the leaf blower is being used or operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings, or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- C. Commercially operated leaf blowers operated after May 7, 2020 shall meet the requirements in this Subsection. The owner of each commercially operated leaf blower shall affix on it, in a clear, identifying manner, (1) their business name, (2) their business address, (3) their business telephone number, and (4) their City-issued business license number. In addition, commercially operated gasoline-powered leaf blowers must affix a manufacturer certification label from the American National Standards Institute ("ANSI") certifying gas leaf blower, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

Section 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each

Municipal Code Section 8.48.090
Activities exempt from noise standards

ATTACHMENT 2

8.48.090 - Exemptions from Chapter.

The following activities shall be exempted from the provisions of this chapter:

- A. Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.
- B. Any events (including outdoor gatherings, public dances, shows and sporting and entertainment events) conducted pursuant to a Special Event Permit or Special Activity Permit issued by the City.
- C. Activities conducted on any park or playground provided such park or playground is owned and operated by a public entity.
- D. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work.
- E. Noise sources associated with construction activity, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday, and provided all grading activities also comply with Section 15.36.190 of the City's Municipal Code regarding time of grading operations.
- F. Noise sources associated with construction activity for which a permit has been granted by the City based upon:
 - 1. A case of urgent necessity in the interest of public health and safety. Such permit may be granted for a period not to exceed three (3) days while the emergency continues; or,
 - 2. A determination by the City that the public health and safety will not be impaired and that no loss or inconvenience would result to any party in interest.
- G. Noise sources associated with the maintenance of real property provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, except on a City-recognized holiday, or between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, Sunday or a City-recognized holiday.
- H. Activities carried out under the City's weed abatement program, provided said activities take place only between the hours of seven (7:00) am. and six (6:00) p.m. on Monday through Friday, between the hours of eight (8:00) am. and six (6:00) p.m. on Saturday, and at no time on a Sunday or a City-recognized holiday.
- I. Any activity to the extent regulation thereof has been preempted by state or federal law.
- J. Activities of the federal, state or local government and its duly franchised utilities.
- K. Trains operated in conformity with and regulated by any federal or state agency.
- L. Traffic operating on public streets or highways, with the exception of the specific noises prohibited in Section 8.48.070 of this chapter. All such traffic remains subject to the noise limits prescribed by the California Vehicle Code.
- M. Activities necessary to continue to provide utility services to the general public, whether this service is installing additional facilities, restoring worn or damaged facilities and/or maintaining existing services.
- N. Warning devices necessary for the protection of public safety, as for example, police, fire and ambulance sirens, and train horns.
- O. Those commercial and/or industrial operations in existence prior to the date of adoption of this chapter, if in compliance with local zoning statutes, shall be granted a six (6) month period from the date of adoption with which to comply with the provisions of this chapter. If, at the end of the six (6) month period, it can be shown that compliance with the provisions herein constitutes a

hardship in terms of technical and economic feasibility, an exception may be granted on an annual basis until such time as compliance may be affected.

(Ord. 1450 § 1 (part), 2007)