



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: September 3, 2019

Agenda Item 7A

Approvals:

City Manager _____

Dept. Head CGD

Attorney _____

Finance _____

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 (SCMC).

Background: On March 20, 2018, the City Council received a report on the operation of leaf blowers in response to public comments. The Council did not want to ban leaf blowers but directed staff and the Planning Commission to consider establishing regulations on leaf blower use or possibly banning gas-powered leaf blowers. Staff was also directed to take steps during the review process, including 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.

The Planning Commission held three public hearings on November 8, 2018; February 6, 2019; and June 25, 2019 to consider the issue. On June 25th, the Commission recommended approval of a proposed ordinance, provided as Attachment 1. A tracked changes version of the ordinance is Attachment 2. 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 3 for the March 20, 2018 City Council report and minutes, and Attachment 4 for Planning Commission staff reports and minutes.

Discussion: San Clemente Municipal Code (SCMC) Title 8, Health and Safety, does not specifically regulate leaf blowers, but contains general noise and dust control regulations that apply to a variety of activities and equipment, such as leaf blowers. Several activities are exempt from the noise and dust standards, such as City operations. Activities associated with property maintenance, permitted construction projects, and the City's weed abatement program are exempt from airborne dust standards; and from exterior noise standards between 7 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 6 p.m. on Saturday, excluding holidays.

Complaints about leaf blower operations are largely over concerns regarding air emissions, airborne dust, and noise levels. Within the last two years, the Code

Compliance division has received 14 complaints about leaf blowers. Nine complaints were related to noise, mostly about leaf blowers operated early in the morning. The other five complaints were about air quality issues from dust blown into the air and exhaust from gasoline engines. A significant number of these complaints were resolved with the existing code and enforcement process.

Similar to other issues that move or change, leaf blower complaints can be more challenging for a code compliance officer to verify in the field. If an officer arrives in time to observe a leaf blower, a sound level meter must be used to verify if noise exceeds standards during restricted operating hours. This requires an officer to be trained in the use of sound level meters, to carry the meter, and to record the sound level before the leaf blower is turned off or the leaf blower operator moves on.

The following is a discussion on the Planning Commission's recommendation and the research Council directed.

New definitions

The proposed ordinance adds definitions for "Leaf Blower" and "Parcel" in the noise ordinance based on wording commonly used by several California cities, including Dana Point.

Requirements for equipment information and noise certification

The proposed ordinance adds requirements for commercially operated leaf blowers in a new Municipal Code Chapter 8.50, in addition to the existing noise ordinance and controls on debris and property maintenance. The proposed ordinance requires owners of commercially operated leaf blowers to affix business information on equipment after a one-year phase-in period ends on September 17, 2020 (one-year from the second reading). After this date, business information must be on leaf blowers in a clear manner, including their (1) business name, (2) business address, (3) business telephone number, and (4) City-issued business license number. Also, 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). The ANSI standard is set by the California Division of Occupational Safety and Health (Cal OSHA).

These rules would have two significant benefits. First, the ordinance will reduce exhaust and noise from commercially operated, gas-powered leaf blowers. After the one-year phase-in period, landscapers must replace less-efficient gas-powered leaf blowers with equipment that can meet the latest State air quality and noise standards. This includes an ANSI standard that requires gas leaf blowers to produce no more than 65 dB(A) of noise from 50 feet away. Also, current gas-powered leaf blower models must comply with the latest California Air Resources Board (CARB) manufacture standards. Second, code compliance staff would be able to avoid having to use a noise meter to verify if there is a noise ordinance violation. Instead, leaf blowers require a noise certification sticker, so staff can identify if equipment meets code requirements.

Operating hours and debris controls

The Commission discussed options for regulating blowing debris on other properties and operating hours, but decided existing restrictions adequately deal with these issues. SCMC Section 8.52.030 does not allow debris to be blown onto adjacent properties, and Section 8.48.090 exempts property maintenance from noise standards if activities occur within certain operating hours. The Commission decided leaf blowers should have the same operating hours as other lawn maintenance equipment, such as lawn mowers that also produce noise.

Research on equipment, operations, and other codes

As Council directed, staff researched leaf blowers and consulted with stakeholders to determine whether code changes are needed to minimize impacts and provide tools for effective code enforcement. This included outreach with local landscapers, residents who commented at hearings, State air regulatory agencies, other cities, and a survey of homeowners associations. Below is a summary of key findings from this research. For details, please refer to the Planning Commission staff reports (Attachment 4).

1. Gas-powered blowers are preferred by landscapers.

Local landscapers and City maintenance staff prefer gas-powered leaf blowers ("gas leaf blowers") over alternatives, such as gas-powered vacuums, battery-powered blowers ("battery leaf blowers"), or manual debris removal. Gas leaf blowers are more powerful, have a lower operating cost, and can be used for a longer duration than battery leaf blowers. Therefore, it typically takes less time to complete a cleanup task with a gas-powered leaf blower than other options. Electric leaf blowers have a limited run time before the battery needs to be recharged and batteries can be costly, so battery leaf blowers are typically better suited for smaller yards. Battery leaf blowers do not produce exhaust but not all equipment is quieter than gas leaf blowers.

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

Since leaf blowers were introduced in the 1970s, the State has required manufacturers of gas powered leaf blowers and vacuums to produce equipment that will meet increasingly more restrictive noise standards and air quality restrictions from the California Air Resources Board (CARB). 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 6.

3. Limits on operating hours and noise limits are common.

The restrictions on leaf blowers fall into five basic categories, with many cities using a combination of approaches: bans, operating hour limits, noise level limits, area restrictions, and educational requirements. Attachment 7 provides a summary and excerpts of other city regulations. Cities commonly limit operating hours and

leaf blower noise levels from a certain distance. Typically, hours of use are restricted between 7:00 a.m. and 6:00 p.m. Monday through Friday, with shorter hours on Saturdays assuming leaf blower noise is most offensive during evenings and on the weekend.

The City of Dana Point limits leaf blower use in residential areas to 9:00 a.m. to 5:00 p.m. Monday through Saturday, and prohibits use on legal holidays. These same operating hours apply to commercial, industrial, and recreational areas within 200 feet of a residential area. The City also sets limitations on noise levels not to exceed 65 to 70 dB(A), depending upon the date of leaf blower purchase. The City does not specify whether equipment must be certified for noise.

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 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION."

Attachments:

1. Proposed Ordinance
2. Tracked changes version of proposed Ordinance
3. City Council staff report and minutes for March 20, 2018 meeting
4. Planning Commission meeting staff reports and minutes for November 8, 2018; February 6, 2019; and June 25, 2019
5. Public comments
6. Summary of existing regulations and programs for leaf blowers
Exhibit A – Latest State air quality standards
Exhibit B - Rebate program information
7. Summary and excerpts of other city leaf blower regulations
8. 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 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION

WHEREAS, 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; and

WHEREAS, on March 20, 2018, the City Council of the City of San Clemente received a report and heard public comments on the operation of leaf blowers and directed staff and the Planning Commission to consider an ordinance to establish regulations on leaf blowers; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on amendments to SCMC Title 8, including changes to noise control standards and the addition of leaf blower regulations. The Planning Commission considered evidence presented by City staff and other interested parties, and tabled said ordinance to a date uncertain to allow time for revisions; and

WHEREAS, on February 6, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the and considered evidence presented by City staff and other interested parties; and recommended the City Council adopt an ordinance as set forth in Resolution No. PC 18-025; and

WHEREAS, following the February 6, 2019 Planning Commission meeting, staff identified concerns with the ordinance and recommended revisions to address them. On June 5, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing to consider a revised ordinance. The Planning Commission considered evidence presented by City staff and other interested parties and recommended the City Council adopt this ordinance as fully set forth in Resolution PC19-018. The proposed SCMC amendments are referred hereinafter as the "project."; and

WHEREAS, on August 20, 2019, the City Council held a duly noticed public hearing on the proposed ordinance and continued the item to September 3, 2019 because more time was needed to consider testimony, evidence, and take action; and

WHEREAS, on September 3, 2019, the City Council held a continued 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 Section 15307 (Class 7) Actions by Regulatory Agencies for Protection of Natural Resources and Section 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.

Alternatively, should the ordinance be considered a project, the City Council hereby finds and determines the project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15307 (Class 7) Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308 (Class 8): Actions by Regulatory Agencies for Protection of the Environment. 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. 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.

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.

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

- A. The use and operation of leaf blowers must comply with Chapter 8.48.
- B. Commercially operated leaf blowers operated after September 17, 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 BAADÉ, 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

ATTACHMENT 2

The following is a complete a tracked changes version of all proposed code amendments that would be effective with City Council adoption of the ordinance

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.

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

- A. The use and operation of leaf blowers must comply with Chapter 8.48.
- B. Commercially operated leaf blowers operated after September 17, 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 blowers, measured from 50 feet, does not exceed 65 dB(A) (standard B175.2-1996).

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 [Signature]

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 fuelling, 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

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 5, 2019 @ 6:00 p.m.
Council Chambers
100 Avenida Presidio
San Clemente, California 92672**

1. CALL TO ORDER

Chair Crandell called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Talley led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Chris Kuczynski, Jason Talley, Zhen Wu;
Vice Chair Jim Ruehlin, Chair Barton Crandell

Commissioners Absent: Chair pro tem Michael Blackwell

Staff Present: Gabriel J. Perez, City Planner
Christopher Wright, Associate Planner II
Jonathan Lightfoot, Assistant Planner
David Carrillo, Assistant Planner
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

8. PUBLIC HEARING

C. Regulation of Leaf Blower Operations (Wright)

A request to forward a recommendation to the City Council on the adoption of City-initiated amendments to Municipal Code Title 8 related to leaf blower operations.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, "Leaf Blower Regulations," dated June 5, 2019. A copy of the Presentation is on file in Planning Division.

PC Meeting Minutes and Staff Reports

Chair Crandell opened the public hearing and acknowledged emails from a resident. There being no public testimony in person, he closed the public hearing.

Comments/Suggestions:

- The ordinance was initiated in response to 12 (now 13) complaints regarding leaf blowers within a 2-year period. There was questions as to why the City was spending resources on establishing and imposing restrictions on the use of lawn maintenance equipment for the entire City given a low number of complaints received for the estimated 25,000 households in the City. According to code enforcement staff, "a significant number of existing leaf blowers complaints were resolved with existing mechanisms." Generally, complaints have been received in the middle of the day, rather than early morning or late afternoon hours.
- Commented that direction from City Council does not indicate the area of focus for the Planning Commission, e.g. whether the Commission is to focus its efforts on reducing pollution or reducing/eliminating noise. After studying the issue and based on the Planning Commission's best understanding of the Council's direction, the ordinance should add definitions and require commercially operated leaf blowers after a one-year phase-in period to have contact information on them and a noise certification sticker to show leaf blowers don't produce more than 65 decibels of sound from 50 feet away. According to staff, these rules would allow code compliance to avoid having to use a noise meter to verify if there is a noise ordinance violation. Instead, leaf blowers would need to have a noise certification sticker, so staff can easily see if equipment meets the code or not.
- Commented that although leaf blowers were the focus of the direction provided to staff, lawn mowers and lawn edging equipment also generate noise. Suggested the use of leaf blowers are more of a pollution issue than just a sound issue. Leaf blowers are used to blow debris and dust that can be directed into gutters, onto neighbors' properties, onto streets, and goes into the ocean. This is a difficult issue for code compliance to monitor and address due to timing, staffing, tools, and amount of time offender is on site, etc. Any new regulations should make it easier, not harder for staff to enforce the code.
- The Commission discussed options for operating hours, but decided existing restrictions were adequate. The Commission concurred with staff to remove new restrictions on operating hours and deposit of debris (such as cuttings, clipping, leaves, etc.) from the draft ordinance, after confirming with staff that existing code has regulations and remedies that deal with these issues. The City has existing operating hours for property maintenance and leaf

PC Meeting Minutes and Staff Reports

blowers should have the same operating hours as other lawn maintenance equipment, such as lawn mowers that also produce noise.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY CHAIR CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-018, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL MAKE CEQA FINDINGS AND AMEND THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.50 RELATED TO STANDARDS FOR LEAF BLOWER OPERATION.

Amended as follows:

Attachment 1, Page 1, revise Resolution no. PC 19-018 title with strikeout as follows:

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY CHAIR CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-018, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL MAKE CEQA FINDINGS AND AMEND 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.

Attachment 1, Page 1, second whereas, replace "draft an...blowers;" with "consider an ordinance to establish regulations on leaf blowers;"

Attachment 1, Page 2, revise Section 3 with strikeout as follows:

... the Planning Commission hereby recommends that the City Council adopt an Ordinance entitled: "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", ..."

Attachment 1, Exhibit A Page 1, revise Ordinance title with strikeout as follows:

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

PC Meeting Minutes and Staff Reports

Exhibit A, Page 1, second whereas, replace "draft an...blowers;" with "consider an ordinance to establish regulations on leaf blowers;"

Exhibit A, Page 3, strike "Section 8.48.090, Exemptions from Chapter, Subsection G is amended and Subsection P is added, as follows:..." in its entirety.

Exhibit A, Page 3, under "Chapter 8.50 – Leaf Blower Operation, is hereby added as follows:", replace text in Subsection A with "The use and operation of leaf blowers must comply with Chapter 8.48.", strike Subsection B, and reorder Subsection C to be Subsection B.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

**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

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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

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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:

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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 SCMC 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.

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- 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.

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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: June 5, 2019

PLANNER: Christopher Wright, Associate Planner II

SUBJECT: Regulation of Leaf Blower Operations, a request to forward a recommendation to the City Council on the adoption of leaf blower regulations in Municipal Code Title 8.

BACKGROUND

This is a request to reconsider an ordinance the Planning Commission supported on February 6, 2019 for the regulation of leaf blower operations. Staff proposes a revised ordinance to address concerns discussed later in this report. On February 6, 2019, the Planning Commission recommended City Council approve an ordinance with three changes to the draft staff presented:

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 San Clemente Municipal Code (SCMC) Sections 8.48.050 and 8.48.060.

On March 20, 2018, the Council directed staff to draft an ordinance to establish specific regulations on leaf blower operations, conduct stakeholder outreach and research several issues during the review process. 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. The Planning Commission staff reports summarizes the research the Council directed staff to complete.

Ordinance Supported on February 6, 2019

The ordinance adds definitions and specific regulations for leaf blowers in Chapter 8.50 for Leaf Blower Operation. Below is a summary of the regulations the Planning Commission supported on February 6, 2019.

- 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 10 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 SMC) 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.

DISCUSSION

Following the February 6th Planning Commission meeting, staff identified several concerns with the complexity and enforceability of ordinance regulations added by the Commission. A revised ordinance is proposed with revisions to address staff's concerns. The revised ordinance is Attachment 1, Exhibit A. Attachment 2 provides a tracked changes version of code amendments and the proposed revisions. Below is a summary of staff's concerns and the revisions staff recommends.

Improve enforceability of operating hour restrictions

When the City receives a complaint, 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 SMC. 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. The proposed ordinance regulates how and when 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. However, the enforceability of the rules can vary depending on how they are applied. Staff recommends the following changes:

1. Apply operating hour restrictions to all property similarly.

The ordinance limits leaf blower operations to Monday through Saturday from 9:00 a.m. to 5:00 p.m., excluding holidays, on residential property and in other property (e.g. mixed-use) within 200 feet of residential property. If operating hours apply based on a distance, the City could receive a complaint for leaf blowers used in violation of operating hours within 200 feet of a residential property. This is likely difficult to enforce for two reasons. First, by the time an officer may verify a complaint, the leaf blower activity could move or end. Second, if the leaf blower activity does not move or end,

an officer is unlikely to have a practical, effective way to verify leaf blower are being used in violation of operating hours within 200 feet of a residential property. In addition to these issues, staff found a loophole that would allow leaf blowers to be used 200 feet or more from residential property at any hour of the day without noise controls on battery-powered leaf blowers or City-operated gas blowers. This is significantly less restrictive than existing limits on City maintenance activities. To address these concerns, the revised ordinance applies operating hour restrictions to all property similarly.

2. Eliminate homeowner 10-minute exemption.

The ordinance allows homeowners of single-family residences to use battery-powered leaf blowers less than 10 minutes Monday through Saturday from 5 p.m. to 9 a.m. Staff has three concerns with this. First, similar to gas-powered leaf blowers, battery-powered leaf blowers can produce significant noise levels, so the exemption creates the potential for noise complaints. Second, the exemption is worded in a way that would allow leaf blowers to be used on Sundays and on holidays for less than 10 minutes, which the Planning Commission unlikely intended. Third, by the time a code compliance officer may verify a noise compliant, leaf blower activity could end, which presents a challenge for an officer to determine if there is a code violation.

Maintain hours for City staff activities

The ordinance restricts operating hours for City maintenance and weed abatement within 200 feet of residential property. Currently, SCMC Section 8.48.090 does not limit operating hours for City, regional, state, and federal government activities. Typically, 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. The new restrictions would limit the City's ability to clear areas when they aren't in use, such as business storefronts in mixed-use zones and public spaces. Earlier start times are business friendly and allow the City's to use resources more efficiently. To maintain more flexible hours, the revised ordinance exempts City maintenance, weed abatement, and other government activities from the new leaf blower operating hour restrictions.

Correct section references

The ordinance referenced leaf blowers as prohibited noise in SCMC 8.48.070. The revised ordinance deletes this error and adds a reference in Section 8.48.090 to the new leaf blower regulations.

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 ordinance the Planning Commission supported 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 did 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.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

Staff recommends the Planning Commission recommend the City Council find the proposed ordinance is exempt from the California Environmental Quality Act (CEQA). The proposed ordinance is not a project according to State CEQA Guidelines Sections 15378(a) and 15061(b). Further, should the project be considered a project, the ordinance is categorically exempt pursuant to Section 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment.

ALTERNATIVES

The Planning Commission may take any of the following actions:

1. No change and stay the prior decision.

This alternative involves staying the Planning Commission's February 6, 2019 adoption of Resolution 18-025, which was a recommendation that the Council approve an ordinance as revised by the Commission. The ordinance excluded the regulation changes proposed by staff this evening, shown in Attachment 2.

2. Recommend approval of the revised ordinance.

This is staff's recommendation. This alternative involves adopting Resolution 19-018, recommending the Council approve the revised ordinance in Attachment 1, Exhibit A.

3. Recommend an ordinance with alternate revisions.

Recommend the Council approve the proposed ordinance with alternate changes to regulations, such as clean ups of the code references and potentially wording revisions to clarify standards.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Recommend the City Council find the proposed code amendments are exempt from CEQA as the proposed ordinance is not a project according to State CEQA Guidelines, Sections 15378(a) and 15061(b), and is categorically exempt pursuant to CEQA Guidelines Section 15307 (Class 7), Actions by Regulatory Agencies for Protection of Natural Resources and Section 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment; and
2. Adopt Resolution PC 19-018, recommending that the City Council adopt a City-initiated code amendment for regulation of leaf blowers.

Attachments:

1. ~~Resolution No. PC 19-018~~
~~Exhibit A - Draft Ordinance~~
2. ~~Code amendments in tracked changes~~
3. ~~City Council staff report and minutes for March 20, 2018 meeting~~
4. ~~Planning Commission staff reports and minutes for November 8, 2018 and February 6, 2019 meetings~~
5. ~~Public comments~~
6. ~~Summary of existing regulations and programs for leaf blowers~~



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 5

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 leaf blowers of any kind within our city is the fact the noise, dust, and pollution ARE NOT confined to 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 leaf blower 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 leaf blower 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 leaf blower. 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 rehabbed. 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 leaf blowers, 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 (leaf blower) 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 leaf blowers! 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: Kirk Morgan
Sent: Thursday, May 02, 2019 5:57 PM
To: Wright, Christopher
Subject: RE: San Clemente City Council to consider Regulation of the Operation of Leaf Blowers, 5/7/19 agenda

Hi Chris,

Here's my two cents as a home owner: We lived in Laguna for 30 years and then they banned leaf blowers. The problem with that is that now you waste a lot more water because maintenance folks will use the hose to do a lot of the same duty.

My input is keep the leaf blowers- save water. Restricting the time of use a bit is fine.

Thanks,
Kirk Morgan

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 leaf blowers. 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 one 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

From: Darius Vasefi
Sent: Sunday, August 11, 2019 11:53 PM
To: Wright, Christopher
Subject: Re: Leaf blower ordinance

Leaf blowers cause significant environments, noise and health issues in our neighborhood, and they are only benefiting the businesses.

There is no benefit to the community and residents as all this work can be performed with other means as evidenced in other cities close to us, with zero adverse effect. Virtually every day, multiple times we have leaf blowers blasting thru around us and there is no end.

I support a total ban of all types of leaf blowers in San Clemente, with the very limited (10 minute) resident use during a set time (12P-5PM).

Darius

From: Kiona Espinosa
Date: August 18, 2019 at 1:55:22 PM PDT
To: BaneD@san-clemente.org, FergusonL@san-clemente.org, HammC@san-clemente.org, WardK@san-clemente.org, MakshanoffJ@san-clemente.org
Subject: Gas-powered Leaf blower issues

Hello my name is Kiona Espinosa,

I am a San Clemente resident. I've lived in this beautiful town since I was a teenager—I am almost thirty now. My first impression here was of stunning beauty and relative quietness. Even in those days San Clemente was still a small, quiet refuge from the noisy inland suburbs of LA I once lived. I've decided to write to you all because I am quite fond of my home here in San Clemente and love it here, but I am also writing with a deep concern for our environment and the future. Unfortunately, I will not be able to attend the city hall meeting this upcoming Tuesday night as I have a class starting at that same time. My dream was to attend UC Santa Cruz majoring in Environmental Studies, so naturally I'm interested in related topics concerning our environment. I was not really shocked when I first learned that leaf blowers are not good for our health. Their incessant loud roaring has always left my ears ringing after and my heart beating a little faster almost every time I heard one from my bedroom. Leaf blowers would be considered to be at least a nuisance by most people's standards, but more importantly and less known, they are extremely harmful to our health as a community and more deeply concerning, they harm our environment. These are just a few examples:

-Leaf blowers not only blow around leaves, they blow around dust, pollen (definitely not good for anyone with allergies), and animal feces. Hantavirus is a serious and deadly infection people get if they inhale dust containing rat feces, blood or urine.

-Leaf blowers are said to be a cause in permanent hearing loss/ Tinnitus from exposure to noise pollution such as the leaf blower's

-Gas-powered leaf blowers use a two-stroke engine "which burns fuel very inefficiently and releases all of its tailgate emissions directly into the environment" (Su Tanli, Sierra Club).

I'm sure most of you are concerned about the environment like myself and so many other San Clemente residents and I appreciate your time. I ask for your attention and your consideration on this issue. Gas-powered leaf blowers are harmful for everyone including: our wildlife, our elders, our children, and our environment. They are an

obsolete technology that can easily be replaced by quieter and more environmentally friendly electric leaf blowers.

Thank you for your time and your consideration

<https://www.sierraclub.org/loma-prieta/blog/2017/08/lifestyle-eco-actions-gas-powered-leaf-blowers>

<https://www.seattleglobalist.com/2017/09/25/leaf-blowers-flagged-as-polluters-possible-health-threat/68802>

<https://www.latimes.com/archives/la-xpm-1993-01-08-me-880-story.html>

From: Ken Koenigshofer

Sent: Tuesday, August 20, 2019 4:33 AM

To: Wright, Christopher

Subject: PLEASE FORWARD TO COUNCIL MEMBERS FOR 8/20 MEETING; Re: San Clemente City Council to consider Regulation of the Operation of Leaf Blowers, 5/7/19 agenda

Mr. Wright,

Please pass on the following and the attached photo to Council members for their consideration for tonight's meeting regarding leaf blowers.

Dear Council Members,

My family and I are opposed to gas powered leaf blowers in residential areas of San Clemente.

I plan to attend the meeting tonight, 8/20, and wish to testify against gas powered blowers in residential areas because of noise and pollution, especially in neighborhoods like mine where yards and set backs are small.

I favor a complete ban, but the Planning Comm. and the City Council seem reluctant to impose a complete ban, so I am arguing for a compromise by asking for a ban of gas blowers in residential neighborhoods, especially near the beach where set backs and yards tend to be small, if not in all residential areas. The ban I propose would make exception for City maintenance and City employees using gas blowers for large areas such as parks and parking lots.

I have two things to share with you at this time.

First, below is a summary of points I submitted to the Planning Commission several months ago.

Second, I am attaching a photo of an electric blower used by staff of the Royal Kona Resort in Kona, Hawaii. This blower is so quiet that staff routinely use it inside the open, covered bar and lounge area right next to patrons of the open air bar who barely notice it. I witnessed this myself a few weeks ago when I took the attached photo. This electric blower is amazingly quiet and yet powerful. It is entirely electric. The maintenance staff member of the hotel who was using it when I took this photo told me that the blower runs for 8 hours on a single charge. It is quiet and releases no air polluting exhaust. He told me that it is available at Home Depot. I recommend this product or similar electric powered blowers to the City Council as an acceptable alternative to gas blowers in residential neighborhoods in place of a total ban on all blowers (which would be my first preference, but which is seemingly unlikely to happen)..

Please see below and also see attached photo.

I would also like to request that if the Council is opposed to any ban of gas leaf blowers in residential neighborhoods that it delay action at the 8/20 meeting so that it can first conduct a meaningful survey of residents before it takes any action on this matter. To get a true assessment of the opinion of residents a representative survey of opinion about gas blowers from San Clemente residents should be completed and the motion at hand should be tabled until such time as such survey data has been collected. I am a PhD psychologist and will offer my services without charge to assist in the construction of such a survey and help in the design of a plan for its distribution to a representative sample of San Clemente residents if the Council believes that all residents cannot be surveyed because of cost or other considerations. Counting complaints is not a valid method of assessing opinion since most people don't know how to register their complaints, don't have the time to do so, or believe that no action will be taken anyway even if they do complain to the City.

Best regards,
Ken Koenigshofer

RE: LEAF BLOWER RESTRICTIONS
FROM: RESIDENT ON W. MARQUITA, KEN, 949-310-8305
DATE: 2/6/19
SUBJECT: COMMENTS ON NEW PROPOSED ORDINANCE

TWO POINTS:

A. Timidity of San Clemente Proposed Restrictions

1. Los Angeles and Newport Beach prohibit gas leaf blowers in residential neighborhoods; Laguna Beach prohibits both gas and electric leaf blowers within city limits
2. Why is the San Clemente planning commission and City Council proposing such a timid ordinance? Why are the residents of San Clemente to be subjected to health hazards and noise that these other jurisdictions have protected their citizens from?

B. Two different types of residential areas in San Clemente should have different restrictions

1) In neighborhoods like mine near the beach the density of population and the concentration of residential buildings with small set backs and small almost non-existent yards makes the impact of gas blowers must greater than in newer developments such as Talega where the yards are much bigger and set backs are much greater. The proposal put forward tonight by the Planning Dept. is OK perhaps for the Talega style neighborhoods but is unworkable for neighborhoods in the Linda Lane Park area and similar areas where there is greater density of population and residential buildings with much smaller yards and minimal set backs. In these areas, gas blowers should be prohibited and only electric blowers should be allowed. For the small spaces in these neighborhoods electric blowers have more than enough power to get the job done and need for battery recharge for such small areas is much less of an issue.

PLEASE MAKE THE IMPORTANT DISTINCTION BETWEEN THESE TWO TYPES OF NEIGHBORHOODS IN SAN CLEMENTE AND BAN GAS BLOWERS FROM THE LATER TYPE OF NEIGHBORHOOD WITH THE MUCH SMALLER YARDS (IN MANY CASES, NO YARDS AT ALL), IF AN OUTRIGHT BAN ON GAS BLOWERS IN ALL RESIDENTIAL AREAS IS NOT POSSIBLE AT THIS TIME.



Existing Regulations and Programs

ATTACHMENT 6

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 regulate leaf blowers but has general controls for noise and dust in Title 8, Health and Safety. 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 from noise standards between 7 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 6 p.m. on Saturday, excluding holidays. The following are excerpts of these SCMC sections.

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 commercial, industrial or manufacturing land use	60 dB (A)	50 dB (A)
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)

8.48.090 - Exemptions from Chapter (Noise Standards).

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.

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 (Fugitive Dust Control)

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.

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 A for an excerpt of 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 B.

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-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
E Q U I P M E N T
Incentive & Exchange Program

Products
Available



EXHIBIT B

Participating Manufacturers

For More Information

To view additional information on the Commercial Electric Lawn and Garden Equipment program, please visit the program website: www.scaqmd.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@sqmtd.gov

Commercial
**Lawn & Garden
EQUIPMENT**
Incentive & 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 destroying 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.

Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program

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, CUM-58V4AH, w/58V4AH battery & 50VA charger	\$200
2	String trimmer, CST-58V2AH, w/58V2AH battery & 50VA charger	\$100
3	Handheld blower, CPLB-58V2AH, w/58V2AH battery & 50VA charger	\$92
4	Chainsaw, CCS-58V4AH, w/58V4AH battery & 50VA charger	\$120
5	Hedge trimmer, CHT-58V2AH, w/58V2AH battery & 50VA charger	\$120



ECHO Authorized Dealers or Distributors

	Dealer Name	Street Address	City	Zip Code	Phone Number
1	Alan's Lawnmower & Garden Center	12194 Finestone Blvd.	Newark	90650	(562) 868-5615
2	Andrew's Lawnmower & Garden Center	4621 West First Street	Santa Ana	92703	(714) 775-1250
3	B & M Lawn & Garden, Inc.	13613 Van Nuys Blvd.	Proxima	91351	(618) 534-0180
4	Best Lawnmower Services	2801 East Miraloma Avenue	Anaheim	92806	(714) 595-5450
5	Chris' Lawnmower	722 South Beach Blvd.	La Habra	90631	(562) 897-4550
6	Dan's Lawnmower Center	3917 Sepulveda Blvd.	Calver City	91020	(310) 397-6057
7	La Verne Power Equipment, Inc.	682 West Rialto Avenue	Rialto	92376	(909) 375-0811
8	La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(909) 596-2383
9	Lawn Mower Corner	1175 East Highland Avenue	San Bernardino	92404	(909) 889-0425
10	Marcos Hardware and Garden	1657 East Walnut Street	Pasadena	91105	(656) 792-7297
11	Nirrien Ag Solutions	17734 Sallory Street	Reseda	91359	(818) 705-1804
12	Parkey Lawnmower Shop	28690 Las Hacienda Street	Temecula	92590	(951) 676-2590
13	Rivera's Lawnmower Shop	9635 Nauritas Blvd.	Irwin	92616	(949) 853-4288
14	Rivera's Power Equipment, Inc.	1525 W. E. Sagundo Blvd.	Gardena	90249	(323) 755-1493
15	Simon's Power Equipment, Inc.	11033 Rosser Avenue #F	Newark	90650	(562) 868-8985
16	Suz Equipment	12117 Vanowen Street	North Hollywood	91605	(818) 382-0131
17	Suz Equipment	4360 Golf Center Pkwy	Indio	92201	(760) 779-4566
18	Tek's Hardware & Garden Supply	4811 Brooks Street	Monclair	91763	(909) 792-4566
19	Toro's Lawnmower, Garden & Chain Saw Center	3318 West Jefferson Blvd.	Los Angeles	90016	(213) 720-6986
20	Yamaha Company	3280 Fountain Blvd.	La Crescenta	91030	(618) 348-3886
21		705 West Gardenia Blvd.	Gardena	90247	(310) 377-5888

www.echocordless.com



Qualified Electric Lawn and Garden Equipment

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	String trimmer, 536LX, QC500 & BL300	\$320
2	Articulated hedge trimmer, 536LHE3, QC500 & BL300	\$360
3	Powered hedge trimmer, 536LHDS0X, QC500 & BL300	\$360
4	Top handle chainsaw, T536LXP, QC500 & BL300	\$360
5	Leaf blower w/backpack battery, 436LUB, QC500 & BL300	\$580
6	Quiet leaf blower w/backpack battery, 540Bx, QC500 & BL300	\$600
7	Pole saw, 536LPH, QC500 & BL300	\$360
8	Telescopic pole saw, 536LPH5, QC500 & BL300	\$480
9	Lawn mower, LE121P, QC300 & BL20	\$290
10	Lawn mower, self-propelled, LE221R, QC300 & BL20	\$240
11	Lawn mower, robotic, 315	\$860
12	Lawn mower, robotic, 450X	\$1,400



Husqvarna Authorized Dealers or Distributors

Dealer Name	Street Address	City	Zip Code	Phone Number
1 Alan's Lawnmower & Garden Center	12194 Firestone Blvd.	Norwalk	90650	(562) 864-5615
2 Alan's Lawnmower & Garden Center	4621 West First Street	Santa Ana	92703	(714) 775-1260
3 B & M Lawn & Garden, Inc.	2801 East Miraloma Avenue	Anaheim	92805	(714) 995-5490
4 Crop Production Services	26690 Las Haciendas Street	Temecula	92590	(951) 676-2000
5 Dik's Lawnmower & Landscaping	9519 Van Noy Blvd.	Panorama City	91402	(818) 891-0453
6 La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(909) 596-2363
7 La Verne Power Equipment, Inc.	1175 East Highland Avenue	San Bernardino	92404	(909) 859-9295
8 Lawn Mower Corner	1657 East Walnut Street	Pasadena	91105	(626) 792-7207
9 Lawn Tech Equipment Co.	18935 Van Buren Blvd. # B-1	Riverside	92508	(951) 784-1288
10 Parkway Lawnmower Shop	9935 Mulholland Blvd.	Irvine	92618	(949) 855-4288

www.husqvarna.com



Qualified Electric Lawn and Garden Equipment

Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
Handheld blower XBU20PT1 (includes 4 - BL1850B batteries and 1 - DC18RD dual port charger)	\$145
Chainsaw XCU02PT1 (includes 4 - BL1850B batteries and 1 - DC18RD dual port charger)	\$173
Siding trimmer XBU08PT1 (includes 2 - BL1850B batteries and 1 - DC18RD dual port charger)	\$158
Hedge trimmer XBU08PT1 (includes 2 - BL1850B batteries and 1 - DC18RD dual port charger)	\$158

Makita Authorized Dealers or Distributors

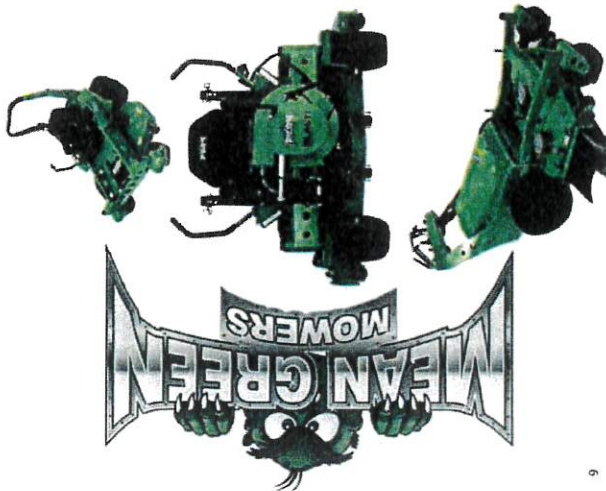
Dealer Name	Street Address	City	Zip Code	Phone Number
1 A-1 Power Equipment	1560 Foothill Blvd.	Fontana	92335	(951) 427-8088
2 Alan's Lawnmower & Garden Center	12194 Fiestone Blvd.	Norwalk	90650	(562) 866-5615
3 Alan's Lawnmower & Garden Center	4621 West First Street	Santa Ana	92703	(714) 715-1250
4 B & M Lawn & Garden, Inc.	2801 East Miraloma Avenue	Anaheim	92806	(714) 995-5090
5 Chino Mower and Engine Service	13846 Central Avenue Suite A	Chino	91710	(909) 627-2894
6 Du's Lawnmower & Landscaping	5519 Van Nuys Blvd.	Van Nuys	91402	(818) 891-0583
7 El Niño Garden Equipment	485 West Arbor Vitae Street	Pasadena	91105	(310) 677-4281
8 El West Lawnmower	5603 York Blvd.	Inglewood	90601	(323) 255-5441
9 Garvey Equipment Company	430 South Pine Street	Inglewood	90602	(626) 285-4950
10 Greenleaf Supply, Inc.	825 South La Brea Avenue	Los Angeles	90001	(310) 895-9990
11 King Power Equipment Rental & Supplies	68379 Kleber Road	Calhoun City	39224	(769) 324-1216
12 La Verne Power Equipment, Inc.	1641 East Walnut Street	Pasadena	91105	(626) 355-0956
13 La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(951) 936-2383
14 Landscape Warehouse II	1175 East Highland Avenue	San Bernardino	92401	(951) 889-9425
15 M. Hara Lawnmower Center	203 North Lake Street	Burbank	91040	(818) 933-1457
16 Ori's Garden Supply, Inc.	8544 Foothill Blvd.	Sunland	91060	(818) 931-1859
17 Ori's Garden Supply, Inc.	3199 Orange Avenue	Signal Hill	90755	(562) 744-1827
18 Parkway Lawnmower Shop	491 Sepulveda Blvd.	Calver City	90230	(310) 915-0903
19 Rural's Lawnmower Shop, Inc.	5955 Mulholland Blvd.	Wente	90241	(949) 856-4288
20 Sepulveda Lawn Mower Shop	1101 West Pacific Coast Highway	Wilmington	90724	(310) 836-1206
21 Simon's Power Equipment, Inc.	1525 West El Segundo Blvd.	Compton	90229	(323) 756-1489
22 Skaller's Lawn Equipment	826 Sepulveda Blvd.	Compton	91402	(818) 780-0806
23 Skaller's Lawn Equipment	12117 Vanowen Street	North Hollywood	91605	(818) 984-6131
24 Skaller's Lawn Equipment	33289 Mission Trail	Los Angeles	92530	(818) 674-1922
25 WE-DO Equipment Repair & Supply	182E Ellis Circle	Ceresca	92878	(951) 808-9167

www.makitatools.com/aqmd

Qualified Electric Lawn and Garden Equipment

Equipment, Battery and Charger (bundle)

	Purchaser Cost (plus tax)
1 Walk behind mower, MBX-33 Estate package	\$3,898
2 Walk behind mower, MBX-33 Contractor package	\$4,500
3 Walk behind mower, DWBX-48 Contractor package	\$5,248
4 Walk behind mower, DWBX-48 Industrial package	\$7,998
5 Walk behind mower, DWBX-52 Contractor package	\$5,475
6 Walk behind mower, DWBX-52 Industrial package	\$8,225
7 Stand on zero turn mower, SK-48 Estate package	\$5,650
8 Stand on zero turn mower, SK-48 Contractor package	\$8,400
9 Rids on zero turn mower, CXR-52 Contractor package	\$9,500
10 Rids on zero turn mower, CXR-52 Industrial package	\$12,500
11 Rids on zero turn mower, CXR-60 Contractor package	\$9,750
12 Rids on zero turn mower, CXR-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	Anaheim	92806	(714) 996-5400
2 Dan's Lawnmower Center	662 West Rialto Avenue	Rialto	92376	(909) 875-0811
3 Lawn Mower Corner	1657 East Walnut Street	Pasadena	91106	(626) 792-7297
4 Lawn Tech Equipment Co.	18935 Van Buren Blvd. # B-1	Riverside	92508	(951) 789-1788
5 Sport Equipment	4811 Brooks Street	Monterey	91763	(909) 626-8686
6 West Hills Lawn Mower Shop, Inc.	8101 Canoga Avenue	Canoga Park	91304	(818) 716-1377

www.meangreenproducts.com





Qualified Electric Lawn and Garden Equipment

	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Blower, model BL120VX w/BX975 backpack battery & C1600 charger	\$544
2	String trimmer, model ST120VX w/BX975 backpack battery & C1600 charger	\$571
3	Hedge trimmer, model EHT120VX w/BX650 backpack battery & C1600 charger	\$502
4	Eder, model EG120VX w/BX650 backpack battery & C1600 charger	\$486



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) 348-3930
2 Ace Lawn Mower & Saw	395 East Grand Blvd.	Corona	92879	(951) 735-8990
3 Alan's Lawnmower & Garden Center	12184 Firestone Blvd.	Norwalk	90650	(562) 868-8615
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	Anaheim	92806	(714) 956-5490
6 Chino Mower and Engine Service	13546 Central Avenue Suite A	Chino	91710	(909) 627-2384
7 Engine Mowers Inc.	22410 Alessandro Blvd.	Moreno Valley	92553	(951) 697-6988
8 Inland Power Equipment	81-405 Highway 111	Indio	92201	(760) 347-3155
9 Lawn Mower Center	1657 East Walnut Street	Pasadena	91106	(626) 792-7297
10 Lawn Mower Center	1621 West Covina Avenue #N	West Covina	91790	(626) 962-2141
11 Lawn Tech Equipment Co.	18835 Van Buren Blvd. # B-1	Riverside	92508	(951) 780-7888
12 M. Harl Lawnmower Center	3189 Orange Avenue	Signal Hill	90755	(562) 424-1897
13 Mowers Plus Inc.	79141 Country Club Drive	Bermuda Dunes	92203	(760) 772-2153
14 Tom's Lawnmower, Garden & Chain Saw Center	3238 Foothill Blvd.	La Cressala	91214	(619) 246-8886
15 Withur-Elle Company	2275 East Locust Court	Ontario	91761	(909) 930-5440

www.oregon120V.com





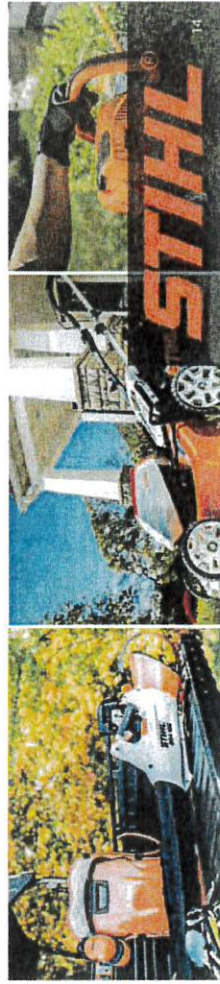
Qualified Electric Lawn and Garden Equipment

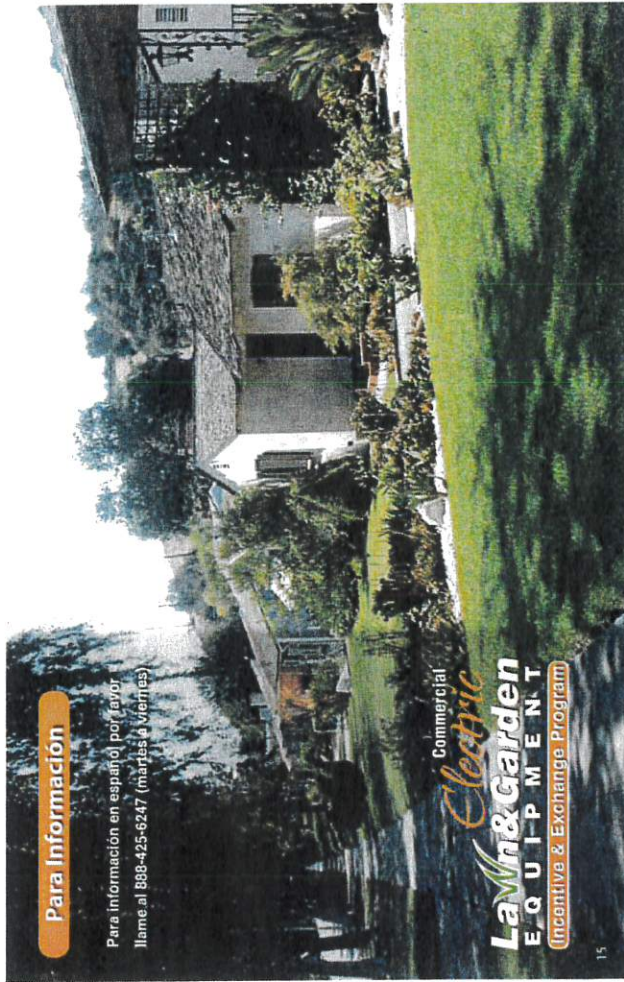
	Equipment, Battery and Charger (bundle)	Purchaser Cost (plus tax)
1	Leaf blower BGA 65, AP 300 battery, and AL 300 charger and AL 300 charger	\$295
2	Leaf blower BGA 100, AR 3000 backpack battery, and AL 300 charger	\$500
3	Leaf blower BGA 100, AR 3000 backpack battery, and AL 300 charger	\$540
4	Grass trimmer FSA 90R, AP 300 battery, and AL 300 charger	\$225
5	Hedge trimmer HA 65, AP 300 battery, and AL 300 charger	\$255
6	Hedge trimmer HA 85, AP 300 battery, and AL 300 charger	\$326
7	Hedge trimmer HSA 66, AP 300 battery, and AL 300 charger	\$200
8	Four pruner HTA 65, AP 300 battery, and AL 300 charger	\$350
9	Telescoping pole pruner HTA 85, AP 300 battery, and AL 300 charger	\$325
10	Chainsaw MSA 160 C-BC, AP 300 battery, and AL 300 charger	\$225
11	Chainsaw MSA 200 C-BC, 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	15600 Foothill Blvd.	Fontana	92335	(951) 827-8938
2 Wiltonex ACE Hardware Inc.	23881 Clinton 6th Road	Wildomar	92595	(951) 854-8075
3 Alan's Lawnmower & Garden Center	4921 West First Street	Santa Ana	92703	(714) 775-2520
4 B. & M. Lawn & Garden, Inc.	2601 East Miraloma Avenue	Anaheim	92806	(714) 856-5430
5 Best Lawnmower Services	722 South Beach Blvd.	La Habra	92651	(562) 897-4550
6 Chino Mower and Engine Service	13546 Central Avenue, Suite A	Chino	91710	(951) 827-2364
7 Dan's Lawnmower Center	662 West Rialto Avenue	Rialto	92376	(951) 825-0811
8 Direct Rentals, Inc.	8705 Crocker Street	Los Angeles	90003	(323) 541-9950
9 La Verne Power Equipment, Inc.	1175 East Highland Avenue	La Verne	91750	(909) 889-0425
10 La Verne Power Equipment, Inc.	720 Arrow Highway	La Verne	91750	(909) 536-2363
11 Marco Power Equipment	11164 Atlantic Blvd.	Lynwood	90262	(310) 838-8120
12 Parkway Lawnmower Shop	9935 Mulholland Blvd.	Irvine	92618	(949) 855-4288
13 RJK Demolition and Disposal	1135 East Florence Avenue	Inglewood	90302	(310) 860-2890
14 Sgouvlada Lawn Mower Shop	8202 Sgouvlada Blvd.	Pasadena City	91402	(618) 783-0825
15 Simon's Power Equipment, Inc.	12117 Vanowen Street	North Hollywood	91605	(818) 982-6131
16 Toro's Lawnmower, Garden & Chain Saw Center	3238 Foothill Blvd.	La Crescenta	91214	(818) 248-3886
17 Yoshi Lawnmower Shop, LLC	652 Williams Road	Palm Springs	92264	(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 vieja de césped y jardinería contaminante, 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:

Habrá 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 mochila, cortacéspedes de monte, 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 da 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-preview/clean-school-buses

On-Road Heavy-Duty Voucher Incentive Program

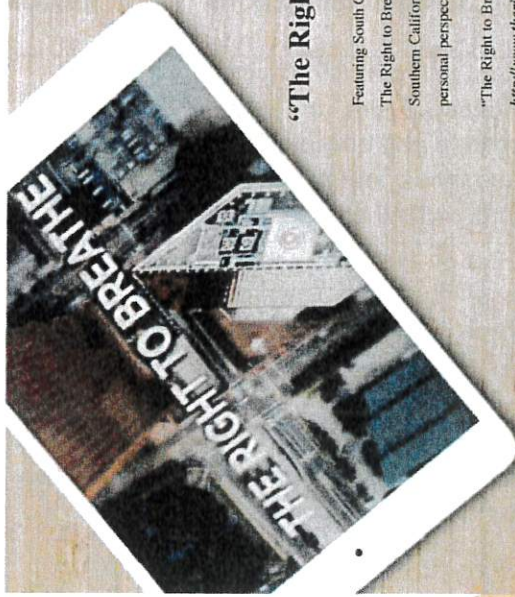
Help for fleets with 10 or fewer vehicles to replace high-polluting vehicles with lower-emission ones, or to install retrofit devices.
www.aqmd.gov/vp

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.cleanairforhvacrebate.com

For more information, visit the program website at

- www.aqmd.gov/lawngarden
- 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



“The Right to Breathe”

Featuring South Coast AQMD Chairman William A. Burke, Ed.D., 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.therighttobreathe.org>

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

Other City leaf blower regulations

ATTACHMENT 7

The following is a summary of leaf blower regulations for several cities. After the table are excerpts of regulations for a portion for the listed cities.

City	Ban on leaf blower use (type or certain areas)	Operating hour and/or duration restrictions	Equipment regulations	Specific leaf blower noise limit
Aliso Viejo		7 a.m. to 8 p.m. Monday to Saturday; 9 a.m. to 8 p.m. Sundays and holidays. Beyond these times, leaf blowers must comply with the noise ordinance.		
Brea		7:00 a.m. and 7:00 p.m. Beyond these times, leaf blowers must comply with the noise ordinance.		
Costa Mesa	Ban on use within 10 feet from window, door, air intake opening or duct	In residential areas or within 50 feet from 7 a.m to 5 p.m. Monday to Friday; 9 a.m. to 5 p.m. Saturday; 12 p.m. to 5 p.m. Sundays and holidays	Must affix business information on blowers	65 decibels and not exceed 55 decibels for more than 15 minutes at a location, from 50 feet away
Cypress	Ban on use within 10 feet from window, door, air intake opening or duct	In residential areas or within 200 feet from 8 a.m to 6 p.m. Monday to Friday, 9 a.m. to 6 p.m. Saturday. Leaf blowers may be used up to 15 minutes per hour on parcels less than 1/2 acre; and up to 30 minutes per hour on parcels greater than 1/2 acre	1 blower per parcel	65 decibels from 50 feet
Dana Point		In residential areas or within 200 feet from 9 a.m to 5 p.m. Monday to Saturday. Prohibited on Sundays and holidays	Must affix business information on blowers	65 decibels from 50 feet

City	Ban on leaf blower use (type or certain areas)	Operating hour and/or duration restrictions	Equipment regulations	Specific leaf blower noise limit
Del Mar	Ban on gas and electric motor leaf blowers citywide, except for emergency work and government preempted activities			
Encinitas <i>(ordinance 2nd reading August 21, 2019)</i>	Ban on gas leaf blowers except city events and operations	7 a.m. and 8 p.m. Monday to Saturday; 10 a.m. to 8 p.m. on Sunday. Beyond these hours, leaf blowers must comply with the noise ordinance		
Fountain Valley	Ban on use within 10 feet from window, door, air intake opening or duct	In residential areas or within 100 feet from 8 a.m to 6 p.m. Monday to Friday, 9 a.m. to 6 p.m. Saturday. Prohibited on Sundays. Leaf blowers may be used up to 15 minutes per hour on parcels less than 1/2 acre; and up to 30 minutes per hour on parcels greater than 1/2 acre	1 blower per parcel	70 decibels from 10 feet
Fullerton		7 a.m to 8 p.m. Monday to Saturday. Beyond these times, leaf blowers must comply with the noise ordinance		
Huntington Beach	Ban on use within 10 feet from window, door, air intake opening or duct	8:00 a.m. and 8:00 p.m. Monday to Saturday; 9:00 a.m. and 6:00 p.m. on Sunday. Use on holidays is prohibited. Leaf blowers may be used up to 15 minutes per hour on parcels less than 1/2 acre; and up to 30 minutes per hour on parcels greater than 1/2 acre	1 blower may be operated on parcels up to one-half acre, 2 blowers on parcels between half and one acre, and up to 3 blowers on parcels larger than one acre	70 decibels from 10 feet

City	Ban on leaf blower use (type or certain areas)	Operating hour and/or duration restrictions	Equipment regulations	Specific leaf blower noise limit
Laguna Beach	Ban on gas and electric leaf blowers citywide			
Laguna Niguel		7 a.m to 8 p.m. Monday to Saturday, 9 a.m. to 8 p.m. Sundays. Beyond these times, leaf blowers must comply with the noise ordinance. Use on holidays is prohibited.		
Newport Beach	Ban on gas leaf blowers in residential areas, except common interest developments of five or more units may use gas blowers with City approval			
Palm Springs	Ban on gas leaf blowers except for work related to an emergency or trash service	8 a.m. to 8 p.m. in residential zones and 7 a.m. to 8 p.m. in other zones, except for city activities and grooming of golf courses, grass tennis courts, and lawn bowling areas. For those activities, hours are limited to 5:30 a.m. to 8 p.m. daily		
San Juan Capistrano		Residential areas from 7:00 a.m. to 8:00 p.m. Monday to Saturday, 9:00 a.m. to 8:00 p.m. on Sundays. Beyond these times, leaf blowers must comply with the noise ordinance		
Seal Beach		7 a.m to 8 p.m. Monday to Friday, 8 a.m. to 8 p.m. on Saturdays, 9 a.m. to 8 p.m. Sundays and holidays. Beyond these times, leaf blowers must comply with the noise ordinance		

Excerpts of regulations for selected cities listed in table above

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.~~

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.~~

Costa Mesa

20-10. Leaf blowers.

(a) Residential areas. In residential areas, or within fifty (50) feet thereof, the use of leaf blowers is prohibited except during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. on Saturdays; and 12:00 noon to 5:00 p.m. on Sundays and legal holidays.

(b) Maximum noise levels. Notwithstanding provisions of Chapter XIII, Noise Control of Title 13 of this Code, the maximum noise level emitted by leaf blowers shall not exceed sixty-five (65) decibels and shall not exceed fifty-five (55) decibels for more than a total of fifteen (15) minutes at any given location. The noise level shall be measured at a distance of fifty (50) feet from the leaf blower.

(c) Dirt, dust, debris. Leaf blower operations shall not cause dirt, dust, debris, leaves, grass clippings, cuttings or trimmings from trees or shrubs to be blown or deposited on any adjacent street or property, or upon the property on which the leaf blower is being 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) Windows and other openings. Leaf blowers shall not be operated within a horizontal distance of ten (10) feet of any operable window, door or mechanical air intake opening or duct.

(e) Identification required. Each leaf blower shall have the business name, address, and telephone number affixed to it in a clear, identifiable manner.

Cypress

Sec. 13-72.2. Restrictions on operation of leaf blowers.

It shall be unlawful for any person within a residential zone or within two hundred (200) feet of a residential zone to operate any type of leaf blower within the city except under the following restrictions:

(a) Time restriction: Notwithstanding section 13-70(i), leaf blowers shall not be operated except between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday;

(b) Distance restriction: Leaf blowers shall not be operated within a horizontal distance of ten (10) feet of any operable window, door, or mechanical air intake opening or duct;

(c) Duration of use restriction: Leaf blowers shall not be operated for more than fifteen (15) minutes per hour on parcels less than one-half acre and no more than thirty (30) minutes per hour on parcels greater than one-half acre.

(d) Number restriction: No person shall operate more than one (1) leaf blower per parcel.

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 200 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.

Fountain Valley

6.10.030 Special prohibitions.

It is unlawful for any person to operate a leaf blower within a residential zone or within one hundred feet of a residential zone of the city except under the following conditions:

- (1) Time Restrictions. Leaf blowers shall not be operated except between the hours of eight a.m. and six p.m. Monday through Friday and nine a.m. to six p.m. on Saturday, and at no time on Sunday.
- (2) Distance Restriction. Leaf blowers shall not be operated within a horizontal distance of ten feet of any operable window, door, or mechanical air intake opening or duct.
- (3) Duration of Use Restriction. Leaf blowers shall not be operated for more than fifteen minutes per hour on parcels less than one-half acre and no more than thirty minutes per hour on parcels greater than one-half acre.

(4) Number Restrictions. No person shall operate more than one leaf blower per parcel.

(5) The maximum decibel level of seventy dBA as measured ten feet from the leaf blower shall not be exceeded.

Huntington Beach

8.40.095 Leaf Blowers

A. Definitions. As used in this section, the following terms shall have meanings as set forth below:

1. "Leaf blower" means any machine, however powered, used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces.
2. "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 parcel for purposes of this section.

B. Unlawful to Propel Debris Beyond Parcel Boundary. It shall be unlawful for any person to use or operate any leaf blower in such a manner as to blow, dispel or make airborne, dust, leaves, grass cuttings, paper, trash or any other type of unattached debris or material, beyond the parcel boundaries of the parcel being cleaned, unless the consent of the adjoining owner or person in possession is obtained. It shall be unlawful for any person to use or operate any leaf blower within the City in such a way as to blow leaves, dirt and other debris onto the public rights-of-way or private property and to allow such debris to remain there in excess of 30 minutes.

C. Special Prohibitions. It shall be unlawful for any person to operate a leaf blower within a residential zone or within 100 feet of a residential zone of the City of Huntington Beach, except under the following conditions:

1. Time Restriction. Noise sources associated with the maintenance of real property provided said activities take place between the hours of 8:00 a.m. and 8:00 p.m. on any day except Sunday or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or a federal holiday.
2. Distance Restriction. Leaf blowers shall not be operated within a horizontal distance of 10 feet of any operable window, door, or mechanical air intake opening or duct.
3. Duration of Use Restriction. Leaf blowers shall not be operated for more than 15 minutes per hour, per day, on parcels less than one-half acre and no more than 30

minutes per hour on parcels greater than one-half acre up to one acre. Leaf blowers shall not be operated for more than two hours on parcels of one acre or more.

4. Number Restriction. No person shall operate more than one leaf blower per parcel on one-half acre, no more than two leaf blowers on parcels greater than one-half acre and no more than three leaf blowers on parcels greater than one acre or more.

5. The maximum decibel level of 70 db(A) as measured 10 feet from the leaf blower shall not be exceeded. (3131-4/92)

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.~~

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.

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.

6.04.055 Leaf Blowers

A. Definitions.

1. "Leaf blowers" shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris. This definition shall include "mechanical blowers" as that term is used in Chapter 10.28. "Leaf blowers" shall not include any leaf or refuse vacuum.
2. "Common interest development" and "association" shall be defined as those terms are defined in California Civil Code Section 1351.

B. Use of Leaf Blowers.

1. Leaf blowers may be used and operated to sweep or clean any surface of dirt, dust, leaves, grass clippings, trimmings, or debris only if the green waste, solid waste or debris so swept or blown are not left in or upon any adjacent or other parcel, any street, public place or right-of-way, public beach, or on the shore, or in the waters of Newport Bay.
2. The hours of operation and maximum noise levels shall be subject to the provisions of Chapter 10.28.
3. Operation of Gas Powered Leaf Blowers in Residential Districts Prohibited. After November 10, 2011, gas powered leaf blowers shall not be operated in any district identified in Title 20 of this Code as a district zoned for residential use, with the exception of operations or locations described in subsections (B)(3)(a) through (e) of this section:
 - a. Residential common interest developments of five or more dwelling units with an association responsible for establishing regulations or operating rules controlling the management and maintenance of their exterior residential environment may, by the method set out in their association's rules and regulations, choose to be exempt from the restrictions contained in this section. The Office of the City Manager shall establish procedures through which such residential common interest developments may demonstrate their decision to be exempt from this section.
 - b. The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by

any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency.

c. Maintenance of golf courses and golf practice facilities conducted between the hours of 6:00 a.m. and 8:00 p.m., and maintenance of other nonresidential uses appurtenant to golf course uses between the hours of 7:00 a.m. and 8:00 p.m.

d. Nonresidential uses located within the boundaries of Planned Community (PC) districts.

e. Operation on parcels zoned for nonresidential use that may be adjacent to or surrounded by a district otherwise zoned for residential use (including but not limited to parcels zoned for public or private institutional uses, park and recreation uses, open space uses, or other similar nonresidential uses).

C. Violations. Any person who uses a gas powered leaf blower in a residential zone, and/or causes or permits cuttings, refuse or debris swept or blown by any leaf blower to be left in places contrary to the provisions of subsection (B) of this section, is guilty of an infraction.

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

Daivin 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 @AivaroLuken · 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://www.ebay.com/itm/1-000-Flamethrowers-Not-a-Flamethrower-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](https://twitter.com/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/>