

ORDINANCE NO. 1173

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING TITLE 5 TO AMEND CHAPTER 7 BY ADDING REGULATIONS TO
PROHIBIT THE USE OF GASOLINE-POWERED LANDSCAPE EQUIPMENT**

WHEREAS, the Town of San Anselmo Climate Action Plan includes Program T-10 related to Electric Landscape Equipment and provides that the Town will “Encourage the use of electric landscape equipment powered by renewable energy sources instead of gasoline-powered equipment through engagement campaigns; encourage transition to manual equipment;” and

WHEREAS, the Town’s Climate Action Commission supports the adoption of this Ordinance to encourage the use of electric landscape equipment and to further the Climate Action Plan goals; and

WHEREAS, the Town Council seeks to reduce Town greenhouse gas emissions by regulating the use of gasoline-powered landscape equipment; and

WHEREAS, at its meeting of September 28, 2021, the Town Council adopted Ordinance No. 1157 to prohibit the use of gasoline-powered leaf blowers beginning on January 1, 2022; and

WHEREAS, on October 9, 2021, Governor Gavin Newsom signed Assembly Bill 1346 into law, which bans the sale of new gasoline-powered landscape equipment, including but not limited to, leaf blowers, lawn mowers, chainsaws, and certain generators beginning on January 1, 2024; and

WHEREAS, at its meeting of September 27, 2022, the Town Council directed staff to bring an ordinance to a future meeting to prohibit the use of gasoline-powered landscape equipment, with some exemptions, over a phased enforcement period; and

WHEREAS, at its meeting of November 15, 2022, the Town Council conducted a duly noticed public hearing, and introduced this Ordinance; and

WHEREAS, the Town Council finds that the provisions of this Ordinance are consistent with the goals and policies of the Town’s General Plan, the Climate Action Plan, and other adopted ordinances and regulations of the Town.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
DOES ORDAIN AS FOLLOWS:**

SECTION 1: California Environmental Quality Act. The Town Council finds and determines that the adoption of this Ordinance, which is intended to prohibit the use of two-cycle gasoline-powered landscape equipment and to encourage the use of electric equipment is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)).

SECTION 2: Title 5 (Sanitation and Health) is amended to repeal Chapter 7 (Prohibition of Two-Cycle Leaf Blowers) and replace it in its entirety with Chapter 7 (Prohibition of Gasoline-Powered Landscape Equipment) to read as follows:

San Anselmo Municipal Code Title 5, Chapter 7 (Prohibition of Gasoline-Powered Landscape Equipment)

5-7.01 - Purpose and Intent.

The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, and improve the overall quality of life within the Town of San Anselmo.

5-7.02 - Definitions.

For the purposes of this Chapter, the phrases in this section mean the following:

- A. "Gasoline-Powered" means any item or equipment that is powered by an internal combustion engine that runs on gasoline, diesel or other volatile fuel.
- B. "Landscape Equipment" means equipment which is used to maintain lawns, gardens, sidewalks, planting strips and driveways. Such equipment includes, but is not limited to, leaf blowers, string trimmers, hedge trimmers, edgers, pole saws, chainsaws, push mowers, and riding mowers.
- C. "Landscape Maintenance Business" means a business, as defined by Section 6-1.01, that performs lawn and yard maintenance, such as maintain laws, gardens, sidewalks, planting strips and driveways

5-7.03 - Prohibition of Use of Gasoline-Powered Landscape Equipment.

- A. **Non-Commercial Use.** Effective June 1, 2023, the use or operation of any gasoline-powered landscape equipment for personal, non-commercial purposes by any resident of the Town, or the use of gasoline-powered landscape equipment by Town staff or contractors on Town property, is expressly prohibited, except as provided in Section 5-7.05.
- B. **Commercial Use.** Effective January 1, 2024, the use or operation of any gasoline-powered landscape equipment for commercial purposes by any landscape maintenance business is expressly prohibited, except as provided in Section 5-7.05.

5-7.04 - Use of Electric Landscape Equipment.

- A. Subject to the restrictions of Section 5-7.03 the use of landscape equipment is otherwise permitted within Town limits as follows:
 - 1. The hours of operation for leaf blowers shall be subject to the provisions of 4-7.207.
 - 2. Except for emergency use by the Town or its employees, agents or contractors, the use of landscape equipment within Town limits shall not extend into the public right of way, including streets, sidewalks, or planting strips in

order to maintain safe and healthy thoroughfares for pedestrians and cyclists and to promote active transportation in the Town.

3. Persons operating landscape equipment shall not deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste, or debris onto a neighboring property or into streets, gutters, or storm drains.

5-7.05 - Exemptions.

A. This chapter shall be construed and applied in a manner consistent with all federal and state laws applicable to the Town and shall not apply to any of the following:

1. A department, agency or contractor of the federal government;
2. A department, agency or contractor of the State of California, including public school districts;
3. A local public entity or its contractor; and or
4. The Town or its employees, agents, or contractors in emergency situations;

B. This chapter does not apply to the use of chainsaws with blades or blade attachments eighteen (18) inches or longer, or to brush cutters.

C. Temporary Exemptions.

1. In the event that there is a lack of commercially available or cost-comparable electric landscape equipment, the Town Manager or their designee may approve a temporary exemption until such electric landscape equipment can be obtained. To claim this exemption, a person seeking to continue the use of gasoline-powered landscape equipment that would otherwise be in violation of this chapter must, before using such equipment, submit documentation to the Town Manager or their designee that includes a list of equipment suppliers contacted, a price comparison, and a statement of financial hardship rendering that person unable to comply with this chapter, in addition to any information as the Town Manager or their designee may request at their discretion. In no event shall a temporary exemption be granted for a period exceeding two (2) years.

5-7.06 – Enforcement.

A. The Town may use any of the enforcement tools available under the Town Code or State Law, including but not limited to, administrative citations and nuisance abatement, to enforce the provisions of this Chapter.

B. Any person violating any provision of this chapter shall be guilty of an infraction.

C. Any violation of the provisions of this ordinance is hereby declared a public nuisance and shall be subject to abatement in the manner set forth in Title 1 Chapter 2.

D. The remedies and penalties provided in this section are cumulative and not exclusive. If the Town adopts additional Municipal Code enforcement mechanisms, the Town may use those mechanisms to enforce this ordinance.


SECTION 3: Severability. To the extent allowed under State law, the Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. To the extent allowed under State law, if any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in this Ordinance be made a part of the San Anselmo Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This Ordinance shall go into effect thirty (30) days from its adoption and shall be posted or published as required by State law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on November 15, 2022, and was adopted at a regular meeting of the San Anselmo Town Council on December 13, 2022 by the following vote:

AYES: Councilmember: Colbert, Burke, Greene, Burdo, Mayor Fineman
NOES: Councilmember: None
ABSENT: Councilmember: None
ABSTAIN: Councilmember: None



Mayor Alexis Fineman

Attest



Town Clerk, Serge Avila

