

ORDINANCE NO. 1157

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 5 TO REPEAL AND REPLACE CHAPTER 7 WITH NEW REGULATIONS TO PROHIBIT TWO-CYCLE GASOLINE-POWERED LEAF BLOWERS AND REPEALING AND REPLACING SECTION 4-7.207 (MOTORIZED LEAF BLOWERS) TO RESTRICT HOURS OF OPERATION FOR LEAF BLOWERS

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 participated in the development and supports the adoption of this Ordinance to encourage the use of electric leaf blowers 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 two-cycle gasoline-powered leaf blowers; and

WHEREAS, at its meeting of September 22, 2020, the Town Council discussed a draft of this Ordinance that applied a broader ban to two-cycle landscaping equipment and directed staff to narrow the scope of the ordinance to leaf blowers; and

WHEREAS, on September 14, 2021, the Town Council conducted a duly noticed public meeting, 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 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 leaf blowers and to encourage the use of electric equipment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 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(3)).

SECTION 2: Title 5 Sanitation and Health is amended to repeal Chapter 7 (Sale of Obnoxious Confections Prohibited) and replace it with Chapter 7 (Prohibition of Two-Cycle Leaf Blowers) as follows:

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. "Two-Cycle Leaf Blower" means a leaf blower that is equipped with a two-cycle internal combustion engine powered by petroleum-based fuels that is used to blow leaves, dirt or other debris off sidewalks, driveways, lawns, or other surfaces.

B. "Electric Leaf Blower" means line current and battery-powered outdoor maintenance equipment used to blow leaves, dirt, or other debris off of sidewalks, driveways, laws or other surfaces.

5-7.03 - Prohibition of Two-Cycle Leaf Blowers in the Town of San Anselmo.

Except as provided in Section 5-7.05, the use or operation of any Two-Cycle Leaf Blower is prohibited within Town limits.

5-7.04 - Use of Electric Leaf Blowers

The use of Electric Leaf Blowers is permitted within Town limits, subject to the following limits:

A. The hours of operation for Electric Leaf Blowers shall be subject to the provisions of Section 4-7.207.

B. Except for Town emergency use, the use of Electric Leaf Blowers shall not extend into the public right-of-way, including streets, sidewalks, and planting strips, in order to maintain safe and healthy thoroughfares for pedestrians and cyclists and to promote active transportation in the Town.

C. Electric Leaf Blowers 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.

This chapter does not apply to the Ross Valley School District and Tamalpais Union High School District, or to the Town or Town Contractors in emergency situations.

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 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.
- C. 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: San Anselmo Municipal Code Section 4-7.207 (Motorized leaf blowers) is hereby repealed and replaced with the following:

Section 4-7.207 – Hours of Operation for Leaf Blowers

(a) As specified in Title 5 Chapter 7 of the Code, it is unlawful for any person to operate a Two-Cycle Leaf Blower at any time in the Town.

(b) Restricted Hours for Leaf Blowers. It shall be unlawful for any person to operate any leaf blower during the following times:

(1) Residential Properties Other Than Multi-Unit Residences. No leaf blower may be operated at any residential property that is not a multi-unit residence except between the hours of nine (9:00) a.m. and five (5:00) p.m. on weekdays and between the hours of ten (10:00) a.m. and four (4:00) p.m. on Saturdays.

(2) Other Properties and Use by Town. No leaf blower may be operated at any multi-unit residence or nonresidential property, and no leaf blower may be operated by on-duty staff or contractors of the Town, except between the hours of seven (7:00) a.m. and five (5:00) p.m. on weekdays, and between the hours of ten (10:00) a.m. and four (4:00) p.m. on Saturdays.

(3) Sundays and Holidays. It shall be unlawful for any person to operate a leaf blower in any area of the Town on Sundays or federal holidays.

SECTION 4: 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 5: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 and Section 3 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 6: This Ordinance shall go into effect thirty (30) days from its adoption and shall be posted or published as required by State law. This Ordinance shall not be enforced until January 1, 2022.

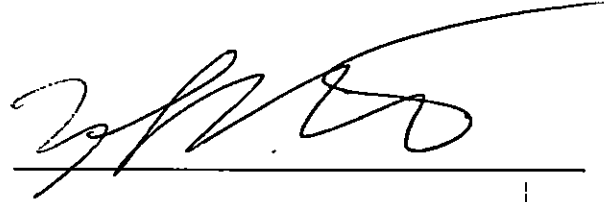
THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on September 14, 2021, and was adopted at a regular meeting of the San Anselmo Town Council on September 28, 2021, by the following vote:

AYES: **Colbert, Fineman, Burdo, Burke**

NOES: **None**

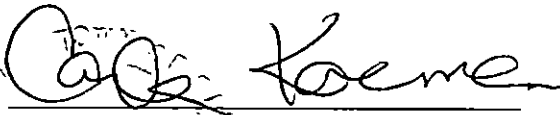
ABSENT: **Greene**

ABSTAIN: **None**

A handwritten signature in black ink, appearing to read "Brian Colbert", written over a horizontal line.

Brian Colbert, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Carla Kacmar", written over a horizontal line.

Carla Kacmar, Town Clerk

