

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDING CHAPTER 6.110 - 6.110.070 ENTITLED "PROHIBITION OF GASOLINE-POWERED LEAF BLOWERS" TO TITLE SIX HEALTH AND SANITATION OF THE CITY OF SANTA CRUZ MUNICIPAL CODE

WHEREAS, in February 2000, the California Air Resources Board (CARB) submitted a report to the California Legislature describing the health and environmental impacts of gasoline-powered leaf blowers; and

WHEREAS, the CARB report presents strong evidence suggesting the use of gasoline-powered leaf blowers can have significant adverse effects on the overall health, safety, and well-being of residents and landscapers; and

WHEREAS, various studies have found that gas-powered leaf blowers release significant amounts of carbon emissions into the air each year; and

WHEREAS, the Intergovernmental Panel on Climate Change (IPCC) identifies carbon emissions as a primary driver of global warming and human caused climate change; and

WHEREAS, as of January 1, 2024, State of California AB 1346 prohibited the sale of new gasoline-powered leaf blowers (among other small off-road engines) but leaves it to localities to regulate their continued use; and

WHEREAS, many municipalities have already banned or restricted the use of internal combustion engine powered equipment with ordinances adopted by the cities of Berkeley, Oakland, Piedmont, Beverly Hills, Claremont, Lafayette, Laguna Beach, Lawndale, Los Altos, Los Angeles, Menlo Park, Novato, Newport Beach, San Clemente, Santa Monica and others; and

WHEREAS, on November 27, 2018, the City Council passed a resolution declaring a climate emergency (RESOLUTION NO. NS-29,462); and

WHEREAS, on September 13, 2022 the City Council adopted the City's Climate Action Plan 2030; and

WHEREAS, the City's Climate Action Plan 2030 specifically identifies passing a ban on gas-powered small off-road engines, which includes gas-powered leaf blowers, by 2024; and

WHEREAS, the City's Climate Action Plan 2030, commits the City to exploring and mitigating equity impacts of electrifying and upgrading off-road equipment.

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. That Chapter 6.110 of the Santa Cruz Municipal Code is added to read as follows:

PROHIBITION OF GAS-POWERED LEAF BLOWERS

6.110.010 Purpose and Findings

The City Council finds and expressly declares as follows:

1. The purpose of this addition to the Santa Cruz Municipal Code is to reduce greenhouse gas emissions and promote the general health, safety, and welfare of City residents by prohibiting the use of gas-powered leaf blowers within Santa Cruz city limits.
2. Strong evidence indicates that gasoline-powered leaf blowers can significantly harm the general health, safety, and welfare of residents. These blowers release substantial amounts of carbon emissions annually. Additionally, their two-stroke engines, which require a mixture of gasoline and oil, produce excessive pollution in various forms, including liquid and solid particulate matter, ozone, carbon monoxide, nitrogen oxides, and hydrocarbons.
3. Santa Cruz is already experiencing the negative impacts of climate change which present various threats to the health and wellbeing of Santa Cruz communities such as displacement, coastal erosion, and flooding.
4. Carbon emissions from gasoline-powered leaf blowers further exacerbate the climate change impacts that the City of Santa Cruz is currently experiencing.
5. Advancements in the development of electric-powered leaf blowers and increased battery capacity have made these electric models a viable and cost-effective alternative to gasoline-powered leaf blowers.

6.110.020 Definitions

The following words and phrases, whenever used in this section, shall have the meanings defined herein:

1. “Leaf blower” means a machine, powered by an internal combustion engine or electric motor, used to blow, displace or vacuum leaves, dirt, and/or debris.
2. “Gas-powered leaf blower” means any leaf blower directly powered by an internal combustion engine using gasoline, diesel, or other volatile fuel.
3. “Internal combustion” means a method of producing power where gasoline, alcohol, or other liquid fuel is combusted within an engine.
4. “Authorize” means to allow, with or without express permission. Authorizing the operation of a gas-powered leaf blower includes but is not limited to the following scenarios:

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- a. Hiring any person to perform landscaping services who uses a gas-powered leaf blower to effectuate those services, with or without the knowledge of the hirer.
- b. Providing a gas-powered leaf blower to another person for use.
- c. Operating a gas-powered leaf blower.
- d. Renting or leasing to a tenant who operates or hires any person who operates a gas-powered leaf blower on the property.

6.110.030 Prohibitions

1. It is prohibited for any property owner to authorize the operation of a gas-powered leaf blower at any time for any purpose on the property they own.
2. The property owner shall be the party responsible for any violations of this chapter that occur on their property.
3. No property owner shall authorize the use of any leaf blower, gas-powered or otherwise, without taking reasonable precautions to avoid depositing dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris onto a neighboring property or into a street, sidewalk, gutter, or storm drain.
4. No property owner shall authorize the use of an internal combustion generator to charge batteries for, or, provide power to, leaf blowers.

6.110.040 Enforcement

1. Any individual may report a suspected violation of this ordinance.
 - a. Suspected violations will be reported to the Planning and Community Development Code Compliance Division through the Planning and Community Development Department's website complaint portal or by telephone.
 - b. When a complaint is received a written courtesy notice shall be issued to the responsible party who allegedly authorized the use of gas-powered leaf blowers. The courtesy notice will specify the alleged violation and possible penalties in the event of future violations and include information on incentives available for compliant leaf blowers. The responsible party will be required to sign and return an affidavit that will be included with the courtesy notice. The affidavit will declare that the responsible party has been put on notice of the ordinance and the possible penalties of violating the ordinance.
2. Any violations of the prohibitions contained in this Chapter shall be punishable by any provision contained in Title 4.

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- a. The enforcement mechanisms of this Chapter may include but are not limited to the following:
- (1) Public and private nuisance abatement proceedings pursuant to Chapter 4.18 and 4.30.
 - (2) Administrative citations with penalties increasing at a rate pursuant to Chapter 4.14.
 - (3) Civil penalties assessed per violation subject to notice and hearing procedures pursuant to Chapter 4.12.
 - (4) Criminal prosecution pursuant to Chapter 4.04.

6.110.050 Exemptions

This chapter shall not apply to:

1. The maintenance of parcels of ten (10) acres or more. Parcels owned or maintained by homeowners' associations that, in the aggregate, are ten (10) acres or more shall not be exempt from this chapter.
2. The maintenance of the designated parks, greenways and open spaces listed here: DeLaveaga Park, Depot Park, Harvey West Park, Neary Lagoon, San Lorenzo Park, Rail Trail, University Terrace Park, Riverwalk, and West Cliff.
3. Use of gas-powered leaf blowers is exempt from this section when utilized by or at the direction of emergency responders for the purposes of responding to an emergency, or necessary to restore, preserve, protect, or save lives or property from imminent danger of loss or harm.

6.110.060 Severability

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

6.110.070 Effective Date

The prohibitions of this chapter shall become effective on January 1, 2025.

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PASSED FOR PUBLICATION this 11th day of June 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this XX day of XX, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2024-10 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator