

ORDINANCE NO. 2250

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADDING A NEW CHAPTER 9.06 LEAF BLOWER RESTRICTIONS TO BAN GASOLINE-POWERED LEAF BLOWERS EFFECTIVE JUNE 1, 2024,

WHEREAS, on October 9, 2021, Assembly Bill 1346 added Section 43018.11 of the Health and Safety Code, requiring the California Air Resources Board, by July 1, 2022, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board; and

WHEREAS, the changes to Health and Safety Code by Assembly Bill 1346 are effective January 1, 2024, or as soon as the state board determines is feasible; and

WHEREAS, in December 2021, the California Air Resource Board commenced a small off-road engines rulemaking process that provides a path for the transition of small off-road engines equipment to zero-emission equipment beginning with model year 2024; and

WHEREAS, on May 2021, the City Council held a duly-noticed public hearing and approved the FY 2021/22-FY 2022/23 Work Plan that includes a priority action to adopt a City ordinance banning the use of gasoline-powered (gas-powered) leaf blowers in Pleasanton; and

WHEREAS, the proposed amendments to the Pleasanton Municipal Code implement the requirements of state law and add local policies that are within the scope of the state law; and

WHEREAS, the City of Pleasanton's Climate Action Plan (CAP 2.0), adopted by Resolution No. 22-1271, which was subject to an Initial Study and Negative Declaration adopted by Resolution No. 22-1270, includes sections P6 and P7, that encourages transition to electric landscape equipment and ban gas-powered leaf blowers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Find that the proposed amendments to the Pleasanton Municipal Code have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations (CEQA Guidelines) § 15061(b)(3).


SECTION 2. Amends the Pleasanton Municipal Code as shown in Exhibit A, attached and incorporated by this reference.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on December 5, 2023, and adopted on December 19, 2023 by the following vote.

Ayes: Councilmembers Arkin, Nibert, Testa, Mayor Brown
Noes: Councilmember Balch
Absent: None
Abstain: None



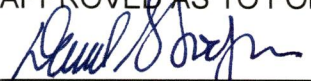
Karla Brown, Mayor

ATTEST:



Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:



Daniel G. Sodergren, City Attorney

EXHIBIT A

Add a new Chapter 9.06 to the Pleasanton Municipal Code as follows:

CHAPTER 9.06 LEAF BLOWER RESTRICTIONS

9.06.010. Declaration of Policy

It is declared to be the policy of the city that the peace, health, safety and welfare of residents, visitors and persons who work in the city be protected from excessive noises from leaf blowers operated too early or too loudly; as well as be protected from inhaling or being exposed to engine exhaust emissions from gasoline-powered leaf blowers.

9.06.020. Definitions

For the purposes of this chapter, certain terms are defined as follows:

- A. "Gasoline-powered leaf blower" means any leaf blower directly powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.
- B. "Leaf blower" means a machine that generates a current of air used to collect loose leaves debris.

9.06.030. Ban on Gasoline-Powered Leaf Blowers

Beginning June 1, 2024, it shall be unlawful for any person to operate a gasoline-powered leaf blower at any time in the City.

9.06.040. Leaf blower noise regulations

Leaf blowers are a machine or device subject to the noise regulations of Chapter 9.04.

9.06.040. Enforcement

A. A violation of this chapter may be documented by an administrative citation, as set forth in Chapter 1.24, issued by a police officer or community services officer of the police department, or a code enforcement officer of the community development department.

B. The remedies provided in this chapter are cumulative and in addition to any other remedies available at law or in equity.

9.06.050. Severability

If any section or provision of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this chapter, which shall continue in full force and effect.