

City Council Meeting: August 22, 2023

Santa Monica, California

ORDINANCE NUMBER 2753 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
REPEALING SANTA MONICA MUNICIPAL CODE SECTION 4.08.270 AND
AMENDING SECTION 4.12.180, TO PROHIBIT GAS POWERED LEAF BLOWERS,
ALLOWING FOR ELECTRIC LEAF BLOWERS, INCLUDING AMENDMENTS TO THE
ENFORCEMENT PROVISIONS

WHEREAS, Section 4.08.270 of the Santa Monica Municipal Code prohibits all motorized leaf blowers in the City; and

WHEREAS, motorized leaf blowers, especially gas powered, remain in use, but enforcement is challenging and costly; and

WHEREAS, while gas powered leaf blowers are among the highest polluting gas-powered devices, especially with two cycle engines, and are a nuisance due to their noise, there have been advancements in electric, A/C and battery powered, leaf blower technology since this ordinance was enacted in 1990 and last amended in 2010; electric leaf blowers are cleaner, better for the environment, quieter, and perform well; and

WHEREAS, the City desires to allow for electric leaf blowers, which may incentivize users to convert from gas powered, which are still too common, and target enforcement with the owners or occupants of property who may either violate this provision or employ those who do, rather than punishing those who may be least able to pay fines.

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

SECTION 1. Santa Monica Municipal Code Section 4.08.270 is hereby repealed.

SECTION 2. Santa Monica Municipal Code Section 4.12.180 is hereby amended as follows:

4.12.180 Restrictions on gardening or landscaping activities.

(a) No person shall engage in any gardening or landscaping activity by use of any internal combustion, motorized, or electromechanical means during the following times anywhere in the City:

(1) Before eight a.m. or after eight p.m. on Monday through Friday, except that such gardening or landscaping activities conducted by employees of the City of Santa Monica or public utilities shall not occur before seven a.m. or after eight p.m. on Monday through Friday;

(2) Before nine a.m. or after eight p.m. on Saturday and Sunday, or on New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as those days have been established by the United States of America.

(b) No person shall operate or allow the operation of an internal combustion / gasoline powered leaf blower anywhere in the City at any time.

(c) No person shall operate or allow the operation of any corded or cordless electric leaf blower unless the device has a manufacturer's sound rating not exceeding 70 decibels and the user can provide documentation of that rating upon request of a City official.

(d) A permit may be issued authorizing gardening or landscaping activity during the times prohibited by this Section whenever it is found to be in the public interest. Applications for such permits shall be in writing, accompanied by any applicable fee as the City Council may by resolution establish, and shall set forth in detail facts showing that the public interest will be served by the issuance of the permit. Applications shall be made to the Community Noise Officer, whose decision shall be final and not appealable to the City Council.

(e) Penalties and Remedies.

(1) Any person found to be a responsible party violating this Section more than two times within any twelve-month period shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(2) Any person found to be a responsible party violating this Section may be issued an administrative citation pursuant to Chapter 1.09 of this Code. Evidence to support issuance of an administrative citation under this Section may include recorded video taken by an individual along with a declaration made under penalty of perjury from the individual taking the video who is a competent eyewitness attesting to the authenticity, date, time, location, and events concerning the violation.

(3) Penalties under Subsection (e) shall not be imposed during the first 180 days following the effective date of this Ordinance.

(f) The term “responsible party” includes, but is not limited to, a property owner, tenant, occupant, person with a legal interest in real property or person in possession of real property, the president or other head of an entity or a person authorized by an entity to receive service of process in a civil action, a business owner, or manager of a business. An employee of an entity shall not be held responsible for a violation of this Section if the employee was provided a prohibited device by a responsible party or directed to conduct activities by a responsible party when prohibited.

(g) The remedies provided in this subsection are not exclusive, and nothing in this subsection shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official

newspaper within 15 days after its adoption. This Ordinance shall take effect 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:
DOUGLAS SLOAN
61C02D0CAE84432...

Douglas Sloan, City Attorney

Approved and adopted this 22nd day of August, 2023.

DocuSigned by:
Gleam Davis
8FE4004DAD0B40B...
Gleam Davis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2753 (CCS) had its introduction on July 25, 2023 and was adopted at the Santa Monica City Council meeting held on August 22, 2023, by the following vote:

AYES: Councilmembers Brock, de la Torre, Parra, Torosis
 Mayor Davis, Mayor Pro Tem Negrete

NOES: None

ABSENT: Councilmember Zwick

ATTEST:

DocuSigned by:
Denise Anderson-Warren
E2F85B056A714C3
Denise Anderson-Warren, City Clerk

10/9/2023
Date

A summary of Ordinance No. 2753 (CCS) was duly published pursuant to California Government Code Section 40806.