

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Section 9.10.060(f) to Expand Liability for the Use of Gas-Powered Leaf Blowers and to Exempt Enforcement from Mandatory Warning Provisions.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

1. The use of gas-powered leaf blowers generates noise and air pollution, which can have a negative effect on the quality-of-life for residents.
2. In 2021, the State of California approved AB 1346, which is intended to regulate “Small off-road engines (SORE), which are used primarily in lawn and garden equipment.” The California Legislature found that the NOx and ROG emissions from SORE “were higher than emissions from light-duty passenger cars” in 2020. The Legislature also found that “zero-emission equivalents to all SORE equipment” already exist.
3. The City currently prohibits the operation of leaf blowers powered by internal combustion engines in residential zones.
4. The City Council now desires to prohibit property owners (and those in control of real property) from allowing gardeners or any other person to use a gas-powered leaf blower on their property.
5. The City Council also desires to allow staff to issue citations without offering a five-business day warning period as generally required by PAMC section 1.12.030(c).
6. The City Council also desires to conform the code to current City practices by deleting a requirement for commercial leaf blower operators to be certificated by the Chief of Police.

SECTION 2. Section 9.10.060(f) of the Palo Alto Municipal Code is hereby amended as follows (new text underlined, deleted text in ~~striketrough~~):

(f) Leaf Blowers.

(1) No person shall operate any leaf blower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology. Any leaf blower which bears such a manufacturer's label shall be presumed to comply with any noise level limit of this chapter provided that it is operated with all mufflers and full extension tubes supplied by the manufacturer for that leaf blower. No person shall operate any leaf blower without attachment of all mufflers and full extension tubes supplied by the manufacturer for that leaf blower.

(2) No person shall operate; cause operation of; or allow operation of a leaf blower on property a person owns, has control of, or is a tenant of; (including but not limited to a leaf blower

operator, leaf blower operator's employer, property owner, property manager, tenant, or other person authorizing or employing the use of a leaf blower on their property) as follows:

(A) ~~No person shall operate any leaf blower within~~ Within a residential zone (as defined by Title 18) except during the following hours: nine a.m. and five p.m. Monday through Friday and ten a.m. and four p.m. Saturday-;

(B) ~~No person shall operate any leaf blower w~~Within any non-residential zone except during the following hours: eight a.m. and six p.m. Monday through Friday, and ten a.m. to four p.m. Saturday-;

(C) ~~No person shall operate any leaf blower o~~On Sundays and holidays-; or

(D) Within any residential zone, at any time, ~~No person shall operate, a~~any leaf blower powered by an internal combustion engine or any leaf blower powered by a generator powered by an internal combustion engine within any residential zone after July 1, 2005. Commercial operators of leaf blowers are prohibited from operating any leaf blower within the city if they do not prominently display a certificate approved by the Chief of Police verifying that the operator has been trained to operate leaf blowers according to standards adopted by the Chief of Police.

(3) In addition to all authorizations and restrictions otherwise provided in this chapter, public streets, sidewalks, and parking lots in business districts and at the Municipal Golf Course and all city parks may be cleaned between 4:00 a.m. and 8:00 a.m. using leaf blowers which bear an affixed manufacturer's label indicating the model number of the leaf blower and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute methodology.

(4) Enforcement of this subsection (f) is exempt from PAMC section 1.12.030(c).

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 Council finds that adoption of this Ordinance is not a "project" within the meaning of CEQA.

//

//

//

//

SECTION 5. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and Development
Services