

CITY OF ALAMEDA ORDINANCE NO. 3307

New Series

AMENDING ALAMEDA MUNICIPAL CODE CHAPTER XXIV PUBLIC
HEALTH TO ADD SECTION 24-14 PROHIBITION ON GASOLINE-
POWERED LEAF BLOWERS

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 cites strong evidence suggesting that the use of gasoline engine powered leaf blowers has potential significant adverse impacts upon the general health, safety and welfare of residents. Leaf blowers also release carbon emissions into the air each year; and

WHEREAS, many municipalities have already banned or restricted the use of combustion engine-powered equipment. Municipalities that have banned combustion engine-powered leaf blowers include the cities of Berkeley, Oakland, Piedmont, Beverly Hills, Claremont, Laguna Beach, Lawndale, Los Altos, Menlo Park, Santa Monica, and Vancouver, BC; and

WHEREAS, on March 26, 2019, the City Council of the City of Alameda adopted a resolution declaring a climate emergency. The City Council subsequently adopted the Climate Action and Resiliency Plan, which specifically lists a ban on gas-powered leaf blowers as an action item; and

WHEREAS, on May 24, 2021, the Planning Board conducted a duly noticed public hearing and recommended City Council adoption of a citywide prohibition of gasoline-powered leaf blowers; and

WHEREAS, on September 21, 2021, the City Council conducted a duly noticed public hearing to consider the citywide prohibition of gasoline-powered leaf blowers, and all interested parties were provide ample opportunity to participate in said hearing and express their views.

BE IT ORDAINED by the Council of the City of Alameda:

Section 1. Findings. In enacting this Section, the City Council finds as follows:

1. Strong evidence suggests that the use of gasoline engine powered leaf blowers has potential significant adverse impacts upon the general health, safety and welfare of residents. Studies have shown that leaf blowers release significant amounts of carbon emissions into the air each year. Gasoline and other combustion engine leaf blowers most often employ two-stroke engines that require a mixture of gasoline and oil. Such engines cause extreme and unreasonable amounts of pollution in several forms:

liquid and solid particulate matter (PM), ozone, carbon monoxide, nitrogen oxides, and hydrocarbons (CO, NOx, and HC). Particulate matter air pollution is of special concern as it consists of particles small enough to remain suspended in the air for hours to days unless removed by precipitation or another force. This pollution compounds the Bay Area's particulate matter levels, which are worsening and increasing public health hazards to the community.

2. Gas-powered leaf blowers disperse air pollutants over a much smaller area, causing the operator, as well as surrounding inhabitants, to come into contact with the increased pollution. The abundant use of this type of equipment can potentially create significant clean air and health impacts for the surrounding community.
3. Carbon emissions from gasoline-powered leaf blowers further exacerbate the climate change impacts that the Alameda community is currently facing.
4. It is in the best interest of the City and its residents to preserve the quality of life in Alameda and to protect the public health, safety, and general welfare by banning all gasoline-powered leaf blowers and minimizing air pollution in the city.
5. Leaf blowers are recognized in the community for their usefulness for gardening and landscape maintenance purposes by residents, businesses, and landscape professionals, and as such, landscape maintenance agreements are currently in place allowing their usage. Deferring the effective date of this Ordinance until January 1, 2023 allows users significant lead time to plan for the phase out of gasoline-powered leaf blowers.
6. The advancement of electric-powered devices and battery capacity has resulted in a wide availability of electric-powered leaf blowers on the market that serve as a viable and economical substitute for gasoline-powered leaf blowers.

Section 2. Chapter XXIV of the Alameda Municipal Code is hereby amended to add Section 24-14 "LEAF BLOWERS" as follows:

Chapter XXIV – PUBLIC HEALTH.

24-14 - LEAF BLOWERS

24-14.1 – Prohibition on Gasoline-Powered Leaf Blowers.

- a. It shall be unlawful to operate any portable machine powered with a gasoline, diesel, or other combustion engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces, within the City limits.
- b. No owner of real property, tenant in possession of real property, or person in control of real property shall allow the operation of any portable machine powered

with a gasoline, diesel, or other combustion engine used to blow leaves, dirt, and other debris on the property.

- c. No person who owns or operates a gardening, landscape maintenance or similar service shall operate or allow an employee or agent of that service to operate any portable machine powered with a gasoline, diesel, or other combustion engine used to blow leaves, dirt, and other debris within the City limits.
- d. Notice of this prohibition shall be posted in all stores selling such machines within the City limits.
- e. Remedies.
 - 1. Any person or party who violates this Section shall be guilty of an infraction, which shall be punished by a fine not exceeding two hundred and fifty dollars (\$250).
 - 2. Any person or party who violates this Section may be issued an administrative citation pursuant to Chapter 1-7 of this Code.
 - 3. 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.
- f. This Section 24-14.1 shall become effective on January 1, 2023.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council of the City of Alameda hereby declares that it would have passed this Ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 4. Implied Repeal. Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 6. Authority. This Ordinance is enacted pursuant to the City of Alameda's general police powers and Article XI of the California Constitution.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 5th day of October 2021, by the following vote to wit:

AYES: Councilmembers Daysog, Herrera Spencer, Knox White, Vella and Mayor Ezzy Ashcraft – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 6th day of October 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Yibin Shen, City Attorney
City of Alameda