

ORDINANCE NO. ____ C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

PROHIBITING FUEL LEAF BLOWERS WITHIN RESIDENTIAL LOTS AND LIMITING HOURS OF LEAF BLOWER USE THROUGHOUT THE CITY

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, blowers are a popular garden maintenance tool. They are powered by a variety of methods: combustion engine, electricity and batteries;

WHEREAS, the California Environmental Protection Agency Air Resources Board prepared "A Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers". The report indicates that the combustion engine blowers generate hydrocarbons, carbon monoxide, and fine particulate matter;

WHEREAS, carbon monoxide is an identified greenhouse gas with negative environmental effects;

WHEREAS, according to the California Air Resources Control Board, one hour of gas leaf blower use is the equivalent of driving 1,100 miles from Los Angeles to Denver;

WHEREAS, noise from gas powered leaf blowers within residential lots is a public nuisance;

WHEREAS, combustion engine blowers generate noise between 69-70 dB and can be annoying to residents and visitors;

WHEREAS, it is the intent of this ordinance to prohibit all gas leaf blower use within residential lots;

WHEREAS, it is the intent to prohibit the use of any type of leaf blower before 8:00 a.m. or after 5:00 p.m. throughout the City'

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 3: Chapter 22, Article 1, Section 4, Section 22-18.1 is hereby added to read as follows:

22-18.1 Leaf Blowers.

(a) Definitions.

1. Leaf Blower means any portable power equipment designed or operated to produce a current of air powered by fuel, electricity, or other means to push, propel, or blow dust, dirt, sand, leaves, grass clippings, trimmings, shrubs, or other debris.
2. Residential Lot means any lot zoned R-1 (single family), R-2 (residential low density multifamily dwelling), R-3 (residential medium density multifamily dwelling), or R-E (residential estate).
3. Person is as defined in Monterey City Code section 1-2 and also includes an owner of real property, tenant in possession of real property, or person in control of real property; and an owner or operator of a gardening, landscape maintenance, or similar service, and their employees or agents.

(b) Prohibited Use. After January 1, 2021, no Person shall use, allow, or authorize:

1. Any fuel powered Leaf Blower use within any Residential Lot.
2. Any Leaf Blower use before 8:00 a.m. or after 5:00 p.m.

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, sentences, clauses, or phrases.

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____, 2020, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

APPROVED:

ATTEST:

Mayor of said City

City Clerk thereof

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