

1 [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment]

2

3 **Ordinance amending the Administrative Code and Police Code to 1) prohibit the City**  
 4 **from using, or contracting for the use of, gas-powered landscaping equipment to**  
 5 **perform a City function starting January 1, 2024, with temporary waivers for City**  
 6 **departments that document to the satisfaction of the Director of the Department of the**  
 7 **Environment (“Department”) the unavailability of needed technology to replace such**  
 8 **equipment; 2) prohibit the use of gas-powered landscaping equipment in the City**  
 9 **starting January 1, 2026, and penalize property owners and business owners and**  
 10 **managers that violate that prohibition; 3) establish a buy-back program to assist**  
 11 **owners of such equipment in transitioning away from its use; 4) require that the**  
 12 **Department conduct a public education campaign regarding the gas-powered**  
 13 **landscaping equipment ban and the buy-back program; 5) establish a fund to receive**  
 14 **penalties collected for violation of the ban and other monies, to use for purchases of**  
 15 **equipment for City departments to replace gas-powered landscaping equipment, for**  
 16 **the buy-back program, for safe disposal of gas-powered landscaping equipment,**  
 17 **and/or to fund the Department’s public education campaign; and 6) designate the**  
 18 **Department to administer and enforce the Ordinance.**

19 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
 20 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 21 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 22 **Board amendment additions** are in double-underlined Arial font.  
 23 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 24 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 25 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

25

1 Section 1. This ordinance shall be known and may be cited as The Healthier, Cleaner,  
2 Quieter Communities Act.

3  
4 Section 2. Findings.

5 (a) Gas-powered landscaping equipment emits toxic pollution that is harmful to the  
6 health of equipment operators and the public at large, and is harmful to the environment,  
7 contributing to global warming and other forms of environmental degradation. Gas-powered  
8 landscaping equipment also generates significant noise, which may negatively impact the  
9 health of equipment operators and members of the general public.

10 (b) **Health Impacts from Toxics Emissions.** Gas-powered landscaping  
11 equipment emits high levels of toxic pollutants, small particulates, nitrogen oxides, carbon  
12 monoxide, and Volatile Organic Compounds (VOCs). These emissions pose health risks for  
13 the public at large, and pose heightened health risks for operators of this equipment due to  
14 their close proximity to the exhaust outlets during operations. Exposure to high levels of  
15 VOCs increases the risk of developing cancer and other serious health conditions. Exposure  
16 to nitrogen oxides has been associated with cardiopulmonary effects, decreased lung function  
17 growth in children, respiratory symptoms, emergency room visits for asthma, intensified  
18 allergic responses, and premature death. Exposure to small particulates may negatively  
19 affect lung and heart function and may aggravate asthma and increase the risk of death from  
20 COVID-19. Small particulate matter emitted by gas-powered landscaping equipment may be  
21 particularly likely to cause health impacts beyond equipment operators because particles may  
22 remain suspended in the air for hours to days unless removed by precipitation or another  
23 force.

24 (c) **Environmental Impacts from Toxics Emissions.** San Francisco's 2021  
25 Climate Action Plan set a goal of net-zero emissions Citywide by 2040, in recognition of the

1 urgent need to curb global warming. This ordinance is an important part of meeting that goal.  
2 Air pollutants emitted by gas-powered landscaping equipment contribute significantly to  
3 accelerating global warming, which is causing climatic instability, widespread extinctions and  
4 resultant biodiversity loss, social unrest, and heightened conflict. The pollution emitted from a  
5 gas-powered leaf blower for one hour is equivalent to the pollution generated from driving an  
6 internal combustion engine car 1100 miles, less than the distance from San Francisco to  
7 Santa Fe. The pollution emitted from a gas-powered lawn mower for one hour is equivalent to  
8 the pollution generated from driving an internal combustion engine car 300 miles, less than  
9 the distance from San Francisco to Santa Barbara.

10 Further, pollutants emitted by gas-powered landscaping equipment damage agricultural  
11 plants, causing mottled foliage, burning at leaf tips or margins, twig dieback, stunted growth,  
12 premature leaf drop, delayed maturity, early drop of blossoms, and reduced yield or quality.  
13 Acidic pollutants, also emitted by gas-powered landscaping equipment, deposit on soils,  
14 lowering their pH, impeding their ability to incubate food, and rendering them infertile. Acid  
15 rain, comprised of the common pollutants sulphur dioxide and nitrogen dioxide, is the chief  
16 cause of corrosive damage to the built environment.

17 (d) **Health Impacts from Noise.** Gas-powered landscaping equipment – in  
18 particular, leaf blowers – is extremely noisy in comparison to non-gas-powered equivalents.  
19 The average gas-powered leaf blower generates 70-75 decibels of noise at a distance of 50  
20 feet, well above the 55 decibels the World Health Organization has recommended as a  
21 maximum level for outdoor noise. As with air pollution, the noise impact of gas-powered  
22 landscaping equipment is significantly higher for the operators of the equipment, given their  
23 proximity to the motor, increasing operators' risk for negative health impacts. The high noise  
24 levels generated by gas-powered leaf blowers and other gas-powered landscaping equipment  
25

1 have been documented to cause serious health effects that include hearing loss, stress,  
2 cardiovascular problems, gastrointestinal distress, and sleep loss.

3 (e) Viable alternatives to gas-powered landscaping equipment exist, and are  
4 steadily improving in cost and effectiveness. Many California municipalities have already  
5 either completely banned or significantly restricted the use of gas-powered landscaping  
6 equipment. Municipalities that have banned or significantly restricted use of gas-powered leaf  
7 blowers include the cities of Berkeley, Oakland, Piedmont, Beverly Hills, Claremont, Laguna  
8 Beach, Lawndale, Los Altos, Santa Barbara, Santa Monica, and West Hollywood. San  
9 Francisco now has an opportunity to join this group and set an even higher standard for  
10 healthy, environmentally sound, and quieter landscaping equipment.

11  
12 Section 3. The Administrative Code is hereby amended by revising Section 4.14 in  
13 Chapter 4, and by adding Chapter 12E, consisting of Sections 12E.1-12E.3, to read as  
14 follows:

15 **SEC. 4.14. RESTRICTION ON USE OF POLLUTING EQUIPMENT.**

16 (a) For purposes of this Section 4.14, "polluting garden and utility equipment" means  
17 gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke  
18 models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and  
19 jackhammers. Except as otherwise provided in this Section, no City department ~~of the City and~~  
20 ~~County of San Francisco~~ shall use polluting garden and utility equipment on "Spare the Air  
21 Days" or other days in which the Bay Area Air Quality Management District notifies the public  
22 of unhealthy levels of air pollution and requests that the public refrain from engaging in  
23 polluting activities. The prohibition on the use of polluting garden and utility equipment shall  
24 not apply to an employee whose supervisor, in accordance with written departmental  
25 procedures, has exempted the employee from the prohibition on a specified day. The

1 department head of each department that uses polluting garden and utility equipment shall  
2 establish procedures for informing employees about the prohibition on use and authorizing  
3 exemption requests.

4 (b) Chapter 12E of the Administrative Code establishes a ban on the City’s use of gas-powered  
5 landscaping equipment. In the event of any conflict between this Section 4.14 and Chapter 12E,  
6 Chapter 12E shall govern.

7 \* \* \* \*

8 **CHAPTER 12E: BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT.**

9 **SEC. 12E.1. DEFINITIONS.**

10 For purposes of this Chapter 12E:

11 “City” means the City and County of San Francisco.

12 “Contract” means an agreement between a Contracting Department and any person or entity  
13 that provides, at the expense of the City, for public works or public improvements to be purchased  
14 under Chapter 6 of the Administrative Code, or for commodities or services to be purchased under  
15 Chapter 21 of the Administrative Code. Notwithstanding the foregoing, “Contract” shall not include:

16 (a) Agreements that do not contemplate the use of any landscaping equipment in  
17 furtherance of services to be performed under the Agreement; or

18 (b) Agreements advertised, solicited, or initiated prior to January 1, 2024.

19 “Contracting Department” means the City department, office, board, commission, or other City  
20 agency that enters into a Contract on behalf of the City.

21 “Contractor” means any corporation, partnership, individual, sole proprietorship, joint  
22 venture, or other legal entity or combination thereof, which enters into a Contract with the City.

23 “Director” means the director of the Department of the Environment, or the Director’s  
24 designee.

1 “Gas-Powered Landscaping Equipment” has the meaning set forth in Section 2101 of the  
2 Police Code, as may be amended from time to time.

3 “Replacement Technology” has the meaning set forth in Section 2101 of the Police Code, as  
4 may be amended from time to time.

5  
6 **SEC. 12E.2. BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT;**  
7 **WAIVERS.**

8 (a) Starting January 1, 2024, no City department shall use Gas-Powered Landscaping  
9 Equipment in performing any City function or enter into a Contract the performance of which may  
10 involve the use of Gas-Powered Landscaping Equipment and that does not prohibit the use of Gas-  
11 Powered Landscaping Equipment.

12 (b) The Director shall grant a temporary waiver of the prohibition on using Gas-Powered  
13 Landscaping Equipment in Section 12E.2(a) to a City department that submits to the Director written  
14 documentation that establishes to the Director’s satisfaction: (1) that the department has thoroughly  
15 researched Replacement Technology available to replace Gas-Powered Landscaping Equipment in  
16 performing required department functions; and (2) that Replacement Technology is currently  
17 unavailable to adequately perform one or more identified required functions of the department for  
18 which the department currently uses Gas-Powered Landscaping Equipment. The Director shall waive  
19 the prohibition in Section 12E.2(a) only as to those specific, identified departmental functions for which  
20 the department documents to the Director’s satisfaction that Replacement Technology is unavailable.  
21 Replacement Technology shall be deemed to be “unavailable” for purposes of this waiver, and for  
22 purposes of any renewal of the waiver under Section 12E.2(c), if Replacement Technology does not  
23 exist, or if a department is unable to purchase Replacement Technology for an amount less than or  
24 equal to 120% of the cost of the relevant Gas-Powered Landscaping Equipment.

1           (c) A temporary waiver under Section 12E.2(b) shall expire on February 1 of the calendar year  
2 following the grant or renewal of the waiver. The Director shall renew a department's waiver under  
3 Section 12E.2(b) to extend past that February 1 to the next February 1 if the department submits to the  
4 Director no later than January 1 of the year in which the waiver is scheduled to expire written  
5 documentation that establishes to the Director's satisfaction: (1) that the department has thoroughly  
6 researched Replacement Technology available to replace Gas-Powered Landscaping Equipment in  
7 performing required department functions; and (2) that Replacement Technology remains unavailable  
8 to adequately perform one or more identified required functions of the department for which the  
9 department currently uses Gas-Powered Landscaping Equipment. The Director shall only renew a  
10 waiver as to those specific, identified department functions for which the department documents to the  
11 Director's satisfaction that Replacement Technology continues to be unavailable. There is no limit on  
12 the number of waiver renewals the Director may grant.

13           (d) In the event of any conflict between this Chapter 12E and Section 4.14 of the Administrative  
14 Code, this Chapter 12E shall govern.

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16           **SEC. 12E.3. RULES AND REGULATIONS.**

17           The Director may adopt rules, regulations, and guidelines to implement this Chapter 12E.

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19           Section 4. The Police Code is hereby amended by adding Article 21, consisting of  
20 Sections 2101-2106, to read as follows:

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22                           **ARTICLE 21: BAN ON PUBLIC USE OF GAS-POWERED LANDSCAPING**  
23   **EQUIPMENT.**

24           **SEC. 2101. DEFINITIONS.**

25           For purposes of this Article 21:

1 “City” means the City and County of San Francisco.

2 “Director” means the Director of the Department of the Environment, or the Director’s  
3 designee.

4 “Gas-Powered Landscaping Equipment” means any equipment used for landscaping  
5 maintenance that is powered by an internal combustion or rotary engine using gasoline, alcohol, or  
6 other liquid or gaseous fluid, including but not limited to leaf blowers, string trimmers, hedge trimmers,  
7 lawn edgers, push and riding lawn mowers, tractors, and chainsaws.

8 “Person” means any individual, firm, partnership, corporation, organization or any other  
9 entity, but does not include the City, the State of California, the United States of America, or any  
10 political subdivision of such entities. Person includes both the plural and singular.

11 “Replacement Technology” means landscaping equipment that is not Gas-Powered  
12 Landscaping Equipment, and that is capable of performing one or more functions that Gas-Powered  
13 Landscaping Equipment is capable of performing.

14  
15 **SEC. 2102. PROHIBITIONS.**

16 Starting January 1, 2026, no Person shall do any of the following:

17 (a) operate Gas-Powered Landscaping Equipment in the City;

18 (b) operate or allow the operation of any Gas-Powered Landscaping Equipment on property  
19 within the City that is owned by that Person;

20 (c) allow the operation of any Gas-Powered Landscaping Equipment within the City by an  
21 employee or agent of a gardening, landscape maintenance, or similar service or business owned or  
22 managed by that Person.

23  
24 **SEC 2103. ADMINISTRATION AND ENFORCEMENT.**



1           This Article 21 shall be administered and enforced by the Department of the Environment. The  
2 Director may adopt regulations, guidelines, and forms to carry out the provisions and purposes of this  
3 Article.

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5           **SEC. 2104. PENALTIES AND ENFORCEMENT.**

6           (a) **Enforcement Procedure.** The Director shall issue an administrative citation for the  
7 violation of Sections 2102(b) or (c) of this Article. The Director shall issue an administrative citation  
8 for the violation of section 2102(a) only if the conduct in issue is related to, or also is, a violation of  
9 section 2102(b) and/or 2102(c). Administrative Code Chapter 100, “Procedures Governing the  
10 Imposition of Administrative Fines,” is hereby incorporated in its entirety, except as it relates to the  
11 definition of a violation and the calculation of penalty amounts, addressed in Sections 2104(b) and (c)  
12 of this Article 21. Administrative Code Chapter 100 shall govern the procedure for imposition,  
13 enforcement, collection, and administrative review of administrative citations issued under this Article.

14           (b) **Violations Subject to Penalties.** For purposes of assessing penalties for violation of  
15 Sections 2102(b) or 2102(c), each occasion in which a Person operates or allows the operation of Gas-  
16 Powered Landscaping Equipment in violation of sections 2102(b) and/or (c) is a separate violation.  
17 For continuing violations, a separate violation shall accrue for each day on which the operation  
18 continues.

19           (c) **Penalty Amounts.** In setting the amount of the administrative penalty, which shall not  
20 exceed \$1,000 per violation, the Director shall consider any one or more mitigating or aggravating  
21 circumstances presented, including but not limited to the following: the persistence of the violation, the  
22 willfulness of the violation, the length of time over which the violation occurred, and the assets,  
23 liabilities, and net worth of the violator.

24           (d) **Public Nuisance.** Operation of any Gas-Powered Landscaping Equipment in violation of  
25 this Article more than 10 days after issuance of a notice shall be a public nuisance.

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2           **SEC. 2105. PUBLIC EDUCATION CAMPAIGN.**

3           The Director shall conduct outreach to businesses and individuals impacted by this Article 21  
4 and Chapter 12E of the Administrative Code to inform them of these provisions, and of the buy-back  
5 program described in Section 10.100-74(b)(ii) of the Administrative Code. In conducting this outreach  
6 campaign, the Director shall partner with one or more San Francisco-based community organizations  
7 that serve communities employed in the landscaping industry.

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9           **SEC. 2106. UNDERTAKING FOR THE GENERAL WELFARE.**

10           In enacting and implementing this Article 21, the City is assuming an undertaking only to  
11 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
12 obligation for breach of which it is liable in money damages to any person who claims that such breach  
13 proximately caused injury.

14  
15           Section 5. Chapter 10, Article XIII, of the Administrative Code is hereby amended by  
16 adding Section 10.100-74 to read as follows:

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18           **SEC. 10.100-74. THE HEALTHIER, CLEANER, QUIETER COMMUNITIES FUND.**

19           (a) Definitions. The terms “Gas-Powered Landscaping Equipment” and “Replacement  
20 Technology” shall have the definitions set forth in section 2101 of the Police Code.

21           (b) Establishment of Fund. The Healthier, Cleaner, Quieter Communities Fund (the “Fund”)  
22 is established as a category eight fund to receive monies collected for penalties and fees assessed for  
23 violations of Police Code Article 21 requirements and regulations, and other monies appropriated or  
24 donated to the Fund.

1           (c) Administration and Use of Fund. The Department of the Environment (“Department”)  
2 shall administer the Fund, and the Director of the Department (“Director”) shall adopt rules for the  
3 distribution of monies in the Fund consistent with this Section 10.100-74. The Director shall use  
4 monies from the Fund only for one or more of the following purposes:

5           (1) For purchasing of Replacement Technology needed by City departments to comply  
6 with Section 12E.2 of the Administrative Code while continuing to perform their required City duties.

7           (2) To fund a “buy-back” program with the purpose of offsetting the cost to San  
8 Francisco residents and businesses of transitioning from the use of Gas-Powered Landscaping  
9 Equipment to the use of Replacement Technology. The Director shall initiate the buy-back program as  
10 soon as funding for the program is available. The Director shall develop and publish criteria for  
11 eligibility of individuals and businesses to participate in the buy-back program. The criteria shall  
12 prioritize support for individuals and businesses that have demonstrated compliance with Article 21 of  
13 the Police Code, businesses with two or more employees that have average gross receipts in the prior  
14 five years that do not exceed \$2,500,000 and businesses and individuals that live, are based, or are  
15 operating primarily in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen  
16 tool, compiled and maintained by the California Office of Environmental Health Hazard Assessment  
17 and available on their website at [www.oehha.gov/calenviroscreen](http://www.oehha.gov/calenviroscreen), or equivalent tool approved by  
18 California state or local governments to identify communities disproportionately burdened by  
19 pollution.

20           (3) To fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer  
21 in use by City departments or that is provided by individuals or businesses participating in the buy-  
22 back program.

23           (4) To fund the public education campaign described in section 2105 of the Police  
24 Code.

1           Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word  
2 of this ordinance, or any application thereof to any person or circumstance, is held to be  
3 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision  
4 shall not affect the validity of the remaining portions or applications of the ordinance. The  
5 Board of Supervisors hereby declares that it would have passed this ordinance and each and  
6 every section, subsection, sentence, clause, phrase, and word not declared invalid or  
7 unconstitutional without regard to whether any other portion of this ordinance or application  
8 thereof would be subsequently declared invalid or unconstitutional.

9  
10           Section 7. Effective Date. This ordinance shall become effective 30 days after  
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
13 of Supervisors overrides the Mayor's veto of the ordinance.

14  
15 APPROVED AS TO FORM:  
16 DAVID CHIU, City Attorney

17 By: */S/ Sarah Crowley*  
18 SARAH CROWLEY  
19 Deputy City Attorney

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