

## LEGISLATIVE DIGEST

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

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

### Existing Law

Administrative Code Section 4.14 prohibits City departments from using certain gasoline-powered landscaping equipment on “Spare the Air Days” or other days in which the Bay Area Air Quality Management District notifies the public of unhealthy levels of air pollution and requests that the public refrain from engaging in polluting activities.

Other than Administrative Code Section 4.14, there are currently no City laws that restrict or prohibit City or public use of gas-powered landscaping equipment.

### Amendments to Current Law

This ordinance, titled the “Healthier, Cleaner, Quieter Communities Act,” would do the following:

- Starting on January 1, 2024, prohibit any City department from using or contracting for use of any “Gas-Powered Landscaping Equipment,” defined as “any equipment used for landscaping maintenance that is powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous fluid, including but not limited to leaf blowers, string trimmers, hedge trimmers, lawn edgers, push and riding lawn mowers, tractors, and chainsaws.”

- Amend Administrative Code Section 4.14 to clarify that the provisions of this ordinance supersede that section in the event of any conflict.
- Starting on January 1, 2026, 1) prohibit any person from operating Gas-Powered Landscaping Equipment in the City, 2) prohibit any person from operating or allowing operation of such equipment on property in the City owned by that person, and 3) prohibit any person from allowing operation of such equipment in the City by an employee or agent of a gardening, landscape maintenance, or similar service or business owned or managed by that person. The ordinance would impose penalties on persons who violate the second and/or third categories of prohibitions.
- Create the Healthier, Cleaner, Quieter Communities Fund (“Fund”) in the Administrative Code as a category eight fund to receive monies collected from penalties and fees assessed for violations of the ordinance, and other monies appropriated or donated to the Fund.
- Direct that monies in the Fund be used only for one or more of the following four purposes: 1) to purchase Replacement Technology needed by City departments to comply with Section 12E.2 of the Administrative Code while continuing to perform their required City duties, 2) to fund a buy-back program with the purpose of offsetting the cost to San Francisco residents and businesses of transitioning from the use of Gas-Powered Landscaping Equipment to the use of Replacement Technology, 3) to fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer in use by City departments or that is provided by individuals or businesses participating in the buy-back program, and/or 4) to fund the public education campaign described in section 2105 of the Police Code.
- Charge the Director of the Department of the Environment with responsibility for enforcing the prohibitions in the ordinance, administering the Fund, and conducting a public education campaign to inform impacted businesses and individuals about the prohibitions in the ordinance and about the buy-back program, in partnership with one or more community organizations.

### Background Information

A number of California municipalities have enacted laws that limit or ban the use of gas-powered landscaping equipment. And in late 2021, California Governor Newsom signed into law AB 1346, which authorized the phasing out of the manufacture and sale of new gas-powered landscaping equipment in California, recognizing the harmful health and environmental impacts of this gas-powered equipment. Also in late 2021, the California Air Resources Board approved implementation measures for AB 1346 that will require most newly manufactured gas-powered landscaping equipment be zero emission starting in 2024. But these state measures do not regulate the use of gas-powered technologies even after the trigger dates, and they do not provide financial support for businesses or individuals seeking to transition to clean technologies.