

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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MEMORANDUM

TO: Chief William Scott, Police Department
Deborah Raphael, Director, Department of the Environment
Tom Paulino, To all City Departments via the Mayor's Office

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: March 7, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 220199

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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc: Lisa Ortiz, Police Department
Lili Gamero, Police Department
Diana Oliva-Aroche, Police Department

Sgt. Stacy Youngblood , Police Department
Joseph Sweiss, Dept. of the Environment
Charles Sheehan, Dept. of the Environment
Anthony Valdez, Dept. of the Environment
Andres Power, Mayor's Office



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220199 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment **Date Introduced:** 03/01/2022

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** 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.

Sponsors: Melgar; Chan, Mar and Stefani

History of Legislative File 220199

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	03/01/2022	ASSIGNED UNDER 30 DAY RULE	Rules Committee	03/31/2022	

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:

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.

15
16 **SEC. 12E.3. RULES AND REGULATIONS.**

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

18
19 Section 4. The Police Code is hereby amended by adding Article 21, consisting of
20 Sections 2101-2106, to read as follows:

21
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.*

4
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.*

1
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.*

8
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:

17
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, 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

20 n:\legana\as2022\2200027\01585683.docx

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.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

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.

Signature of Sponsoring Supervisor: /s/Myrna Melgar

For Clerk's Use Only

From: [Imperial, Megan \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Fieber, Jennifer \(BOS\)](#); [Carrillo, Lila \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [ZAREFSKY, PAUL \(CAT\)](#); [BUTA, ODAYA \(CAT\)](#); [CHEESEBOROUGH, PAMELA \(CAT\)](#); [CROWLEY, SARAH \(CAT\)](#); [Groth, Kelly \(BOS\)](#); [Wright, Edward \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); [Gee, Natalie \(BOS\)](#)
Subject: Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act
Date: Tuesday, March 1, 2022 3:59:41 PM
Attachments: [Ordinance and digest for introduction - Ban on gas-powered landscaping equipment.msg](#)
[Melgar - Introduction Form - Ordinance - The Healthier, Cleaner, Quieter Communities Act.pdf](#)
[Melgar- Leg. Digest 3.1.22.docx](#)
[Melgar - Ordinance -The Healthier, Cleaner, Quieter Communities Act 3.1.22.docx](#)

Dear Clerk Staff,

Please find attached **Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act.**

Attachments include:

1. Deputy City Attorney Crowley signature confirmation
2. Introduction Form
3. Legislative Digest
4. Ordinance – The Healthier, Cleaner, Quieter Communities Act

We respectfully ask that this item be assigned to the Budget and Finance Committee. Adding Natalie to confirm. I am also cc'ing the offices to confirm their Supervisors' co-sponsorship.

Gracias,
Megan

Megan M. Imperial 竜芽願
Legislative Aide
Office of Supervisor Myrna Melgar, District 7
1 Dr. Carlton B. Goodlett Place, Room 260
San Francisco, CA 94102
Pronouns: She, Her, Hers, Ella

[Sign up here](#) to receive Supervisor Melgar's newsletter

From: [BOS Legislation, \(BOS\)](#)
To: [Bintliff, Jacob \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Mandelman, Rafael \(BOS\)](#); [Imperial, Megan \(BOS\)](#)
Subject: RE: Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act
Date: Wednesday, March 2, 2022 11:09:34 AM
Attachments: [image001.png](#)

Hi Jacob,

Confirming Supervisor Mandelman will not added as a co-sponsor to [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment] until further confirmation from your office.

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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From: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>

Sent: Tuesday, March 1, 2022 6:29 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Imperial, Megan (BOS) <megan.imperial@sfgov.org>

Subject: Re: Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act

Dear Clerk of the Board,

I'm afraid we had a misunderstanding on this one, and Sup. Mandelman is not yet ready to be listed as a co-sponsor. Would you please omit his name when LI goes up?

Thank you,

Jacob

Jacob Bintliff

Legislative Aide

Office of Supervisor Rafael Mandelman
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284
San Francisco, California 94102

(415) 554-7753 | jacob.bintliff@sfgov.org

Pronouns: he, him, his

From: Imperial, Megan (BOS) <megan.imperial@sfgov.org>

Sent: Tuesday, March 1, 2022 3:59 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Cc: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>; CHEESEBOROUGH, PAMELA (CAT) <Pamela.Cheeseborough@sfcityatty.org>; CROWLEY, SARAH (CAT) <Sarah.Crowley@sfcityatty.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>

Subject: Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act

Dear Clerk Staff,

Please find attached **Melgar - Ordinance – The Healthier, Cleaner, Quieter Communities Act.**

Attachments include:

1. Deputy City Attorney Crowley signature confirmation

2. Introduction Form
3. Legislative Digest
4. Ordinance – The Healthier, Cleaner, Quieter Communities Act

We respectfully ask that this item be assigned to the Budget and Finance Committee. Adding Natalie to confirm. I am also cc'ing the offices to confirm their Supervisors' co-sponsorship.

Gracias,
Megan

Megan M. Imperial 龔芽願
Legislative Aide
Office of Supervisor Myrna Melgar, District 7
1 Dr. Carlton B. Goodlett Place, Room 260
San Francisco, CA 94102
Pronouns: She, Her, Hers, Ella

[Sign up here](#) to receive Supervisor Melgar's newsletter

From: [CROWLEY, SARAH \(CAT\)](#)
To: [Melgar, Myrna \(BOS\)](#); [Imperial, Megan \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [ZAREFSKY, PAUL \(CAT\)](#); [BUTA, ODAYA \(CAT\)](#); [CHEESEBOROUGH, PAMELA \(CAT\)](#)
Subject: Ordinance and digest for introduction - Ban on gas-powered landscaping equipment
Date: Tuesday, March 1, 2022 12:19:46 PM
Attachments: [Ord. 3.1.22.docx](#)
[Leg. digest 3.1.22.DOCX](#)

Privileged and Confidential Communication – Do Not Disclose

Supervisor Melgar and Megan,

I'm attaching the following ordinance and related legislative digest for introduction:

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.

For the clerk of the board, I am confirming that my electronic signature in the attached ordinance signifies that I approve this ordinance as to form.

Please let me know if you have any questions.

Thanks,
Sarah

Sarah Crowley (she/her)
Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4677 Direct*
www.sfcityattorney.org

**Email is generally the best way to reach me.*

The information in this email is confidential and may be protected by the attorney/client privilege and/or the attorney work product doctrine. If you are not the intended recipient of

this email or received this email inadvertently, please notify the sender and delete it.

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~~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:

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.

15
16 **SEC. 12E.3. RULES AND REGULATIONS.**

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

18
19 Section 4. The Police Code is hereby amended by adding Article 21, consisting of
20 Sections 2101-2106, to read as follows:

21
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.

4
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.

1
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.*

8
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:

17
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, 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

20 n:\legana\as2022\2200027\01585683.docx