

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 City from contracting for the use of gas-powered**

9 **landscaping equipment to perform a City function starting January 1, 2024, with**

10 **wavers for City departments that document to the satisfaction of the Purchaser the**

11 **necessity of such waiver; 32) prohibit the use of gas-powered landscaping equipment**

12 **in the City starting January 1, 2026, except such equipment for which the Department**

13 **determines replacement technology is unavailable, and penalize property owners and**

14 **business owners and managers that violate that prohibition; 43) establish a buy-back**

15 **and/or incentive program (“Buy-Back Program”) to assist owners of such equipment in**

16 **transitioning away from its use; 54) require that the Department conduct a public**

17 **education campaign regarding the gas-powered landscaping equipment ban and the**

18 **~~buy-back program~~Buy-Back Program; 65) establish a fund to receive penalties**

19 **collected for violation of the ban and other monies, to use for purchases of equipment**

20 **for City departments to replace gas-powered landscaping equipment, for the ~~buy-back~~**

21 **~~program~~Buy-Back Program, for safe disposal of gas-powered landscaping equipment,**

22 **and/or to fund the Department’s public education campaign; and 76) designate the**

23 **Department to administer and enforce the ordinance; and 8) require the Department to**

24 **report to the Board of Supervisors by March 31 of each year on progress over the prior**

25 **calendar year in enforcing the restrictions on gas-powered landscaping equipment,**

1 conducting the public education campaign, administering the Buy-Back Program, and
2 using the monies in the fund.

3 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
4 **Additions to Codes** are in *single-underline italics Times New Roman font*.
5 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
6 **Board amendment additions** are in double-underlined Arial font.
7 **Board amendment deletions** are in ~~Arial font~~.
8 **Asterisks (* * * *)** indicate the omission of unchanged Code
9 subsections or parts of tables.

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

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

13 Section 2. Findings.

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

19 (b) **Health Impacts from Toxics Emissions.** Gas-powered landscaping
20 equipment emits high levels of toxic pollutants, small particulates, nitrogen oxides, carbon
21 monoxide, and Volatile Organic Compounds (VOCs). These emissions pose health risks for
22 the public at large, and pose heightened health risks for operators of this equipment due to
23 their close proximity to the exhaust outlets during operations. Exposure to high levels of
24 VOCs increases the risk of developing cancer and other serious health conditions. Exposure
25 to nitrogen oxides has been associated with cardiopulmonary effects, decreased lung function

1 growth in children, respiratory symptoms, emergency room visits for asthma, intensified
2 allergic responses, and premature death. Exposure to small particulates may negatively
3 affect lung and heart function and may aggravate asthma and increase the risk of death from
4 COVID-19. Small particulate matter emitted by gas-powered landscaping equipment may be
5 particularly likely to cause health impacts beyond equipment operators because particles may
6 remain suspended in the air for hours to days unless removed by precipitation or another
7 force.

8 (c) **Environmental Impacts from Toxics Emissions.** San Francisco's 2021
9 Climate Action Plan set a goal of net-zero emissions Citywide by 2040, in recognition of the
10 urgent need to curb global warming. This ordinance is an important part of meeting that goal.
11 Air pollutants emitted by gas-powered landscaping equipment contribute significantly to
12 accelerating global warming, which is causing climatic instability, widespread extinctions and
13 resultant biodiversity loss, social unrest, and heightened conflict. The pollution emitted from a
14 gas-powered leaf blower for one hour is equivalent to the pollution generated from driving an
15 internal combustion engine car 1100 miles, less than the distance from San Francisco to
16 Santa Fe. The pollution emitted from a gas-powered lawn mower for one hour is equivalent to
17 the pollution generated from driving an internal combustion engine car 300 miles, less than
18 the distance from San Francisco to Santa Barbara.

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

1 (d) **Health Impacts from Noise.** Gas-powered landscaping equipment – in
2 particular, leaf blowers – is extremely noisy in comparison to non-gas-powered equivalents.
3 The average gas-powered leaf blower generates 70-75 decibels of noise at a distance of 50
4 feet, well above the 55 decibels the World Health Organization has recommended as a
5 maximum level for outdoor noise. As with air pollution, the noise impact of gas-powered
6 landscaping equipment is significantly higher for the operators of the equipment, given their
7 proximity to the motor, increasing operators' risk for negative health impacts. The high noise
8 levels generated by gas-powered leaf blowers and other gas-powered landscaping equipment
9 have been documented to cause serious health effects that include hearing loss, stress,
10 cardiovascular problems, gastrointestinal distress, and sleep loss.

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

19
20 Section 3. The Administrative Code is hereby amended by revising Section 4.14 in
21 Chapter 4, and by adding Chapter 12E, consisting of Sections 12E.1-~~12E.3~~12E.4, to read as
22 follows:

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

24 (a) For purposes of this Section 4.14, "polluting garden and utility equipment" means
25 gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke

1 models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and
2 jackhammers. Except as otherwise provided in this Section, no City department ~~of the City and~~
3 ~~County of San Francisco~~ shall use polluting garden and utility equipment on "Spare the Air
4 Days" or other days in which the Bay Area Air Quality Management District notifies the public
5 of unhealthy levels of air pollution and requests that the public refrain from engaging in
6 polluting activities. The prohibition on the use of polluting garden and utility equipment shall
7 not apply to an employee whose supervisor, in accordance with written departmental
8 procedures, has exempted the employee from the prohibition on a specified day. The
9 department head of each department that uses polluting garden and utility equipment shall
10 establish procedures for informing employees about the prohibition on use and authorizing
11 exemption requests.

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

15 * * * *

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

17 **SEC. 12E.1. DEFINITIONS.**

18 For purposes of this Chapter 12E:

19 "City" means the City and County of San Francisco.

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

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

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

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

4 “Contracting Officer” shall mean the department head or designee of the department
5 head.

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

8 “Director” means the director of the Department of the Environment, or the Director’s
9 designee.

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

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

14
15 **SEC. 12E.2. BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT;**

16 **WAIVERS.**

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

21 (b) **Waivers.** The Director shall grant a temporary waiver of the prohibition on using Gas-
22 Powered Landscaping Equipment in requirements of Section 12E.2(a) to a City department with
23 respect to Gas-Powered Landscaping Equipment that the Director finds is needed to perform
24 one or more required functions of the department and for which the Director determines that
25 Replacement Technology is unavailable. that submits to the Director written documentation

1 that establishes to the Director's satisfaction: (1) that the department has thoroughly
2 researched Replacement Technology available to replace Gas-Powered Landscaping
3 Equipment in performing required department functions; and (2) that Replacement
4 Technology is currently unavailable to adequately perform one or more identified required
5 functions of the department for which the department currently uses Gas-Powered
6 Landscaping Equipment. The Director shall waive the prohibition in Section 12E.2(a) only as to
7 solely with respect to those specific, identified departmental functions for which the department
8 documents to the Director's satisfaction that Replacement Technology is unavailable. Replacement
9 Technology shall be deemed to be "unavailable" for purposes of this waiver, and for purposes of any
10 renewal of the waiver under Section 12E.2(c), if Replacement Technology does not exist, or if a
11 department is unable to purchase Replacement Technology for an amount less than or equal to
12 420300% of the cost of the relevant equivalent Gas-Powered Landscaping Equipment, taking into
13 account up-front costs, including electrical infrastructure supporting Replacement Technology,
14 and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and
15 equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping Equipment on
16 the Exempt Gas-Powered Landscaping Equipment List, described in Section 2103 of the
17 Police Code, shall constitute a determination by the Director that Replacement Technology is
18 unavailable with respect to the listed equipment.

19 (c) **Waiver renewals.** A temporary waiver granted under Section 12E.2(b) shall expire on
20 February 1March 31 of the calendar year following the grant or renewal of the waiver. The Director
21 shall renew a department's waiver under Section 12E.2(b) to extend past that February 1March 31 to
22 the next February 1March 31 if the Director determines that the Gas-Powered Landscaping
23 Equipment that is the subject of the waiver remains necessary to perform one or more
24 required functions of the department and determines that Replacement Technology for such
25 equipment remains unavailable. department submits to the Director no later than January 1 of

1 the year in which the waiver is scheduled to expire written documentation that establishes to
2 the Director's satisfaction: (1) that the department has thoroughly researched Replacement
3 Technology available to replace Gas-Powered Landscaping Equipment in performing required
4 department functions; and (2) that Replacement Technology remains unavailable to
5 adequately perform one or more identified required functions of the department for which the
6 department currently uses Gas-Powered Landscaping Equipment. The Director shall only
7 renew a waiver as to those specific, identified department functions for which the department
8 documents to the Director's satisfaction that Replacement Technology continues to be
9 unavailable. *There is no limit on the number of waiver renewals the Director may grant.*

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

12
13 **SEC. 12E.3. BAN ON USE OF GAS-POWERED LANDSCAPING EQUIPMENT IN**
14 **CITY CONTRACTS; WAIVERS.**

15 (a) Starting January 1, 2024, no City department may enter into a Contract, the
16 performance of which could involve the use of Gas-Powered Landscaping Equipment, that
17 does not prohibit the use of Gas-Powered Landscaping Equipment.

18 (b) Waivers. The Purchaser, in consultation with the Director, shall waive the
19 prohibition in Section 12E.3(a) under one or more of the following circumstances:

20 (1) The Contracting Officer determines that needed services under the applicable
21 Contract are available only from one source pursuant to applicable provisions of the
22 Administrative Code, and the source lacks the capability to perform the needed services
23 without the use of Gas-Powered Landscaping Equipment; or

24 (2) The Contracting Officer determines, pursuant to applicable provisions of the
25 Administrative Code, that the Contract is necessary to respond to an emergency which

1 endangers the public health or safety, and no entity is capable of responding to the
2 emergency and is immediately available to perform the required services while complying with
3 the prohibition in Section 12E.3(a); or

4 (3) The Contracting Officer determines that there are no qualified responsive
5 bidders or prospective vendors that are capable of complying and willing to comply with the
6 prohibition in Section 12E.3(a); and the Contract is for a service or project that is essential to
7 the City or the public; or

8 (4) The Contracting Officer determines that the public interest warrants the
9 granting of a waiver because application of the prohibition in Section 12E.3(a) would have an
10 adverse impact on the provision of City services to the public or a substantial adverse
11 financial impact on the City; or

12 (5) The Contracting Officer determines that the services to be purchased are
13 available under a bulk purchasing arrangement with a federal, state, or local governmental
14 entity or a group purchasing organization; and the purchase under such arrangement will
15 substantially reduce the City's cost of purchasing such services, and is in the best interest of
16 the City; or

17 (6) The Contracting Officer determines that adhering to the prohibition in Section
18 12E.3(a) would violate or be inconsistent with the terms or conditions of a grant, subvention,
19 or agreement with a public agency or the instructions of an authorized representative of any
20 such agency with respect to any such grant, subvention, or agreement, provided that the
21 Contracting Officer has made a good faith attempt to change the terms or conditions of any
22 such grant, subvention, or agreement to permit adherence to the prohibition; or

23 (7) The Contracting Officer determines that Gas-Powered Landscaping Equipment
24 is needed to perform one or more required contractual objectives, and the Director has
25 determined that Replacement Technology is unavailable for that Gas-Powered Landscaping

1 Equipment. Replacement Technology shall be deemed to be “unavailable” for purposes of this
2 waiver if Replacement Technology does not exist, or if the party with the obligation to provide
3 relevant equipment under the Contract is unable to purchase Replacement Technology for an
4 amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping
5 Equipment, taking into account up-front costs, including electrical infrastructure supporting
6 Replacement Technology, and operating costs over a one-year period for the Gas-Powered
7 Landscaping Equipment and equivalent Replacement Technology. Inclusion of Gas-Powered
8 Landscaping Equipment on the Exempt Gas-Powered Landscaping Equipment List, described
9 in Section 2103 of the Police Code, shall constitute a determination by the Director that
10 Replacement Technology is unavailable with respect to the listed equipment.

11 (c) Waivers granted to departments under Section 12E.3(b) for Contracts shall expire
12 on the end date of the Contract.

13 (d) The waiver authority granted to Contracting Officers in Section 12E.3(b) shall be
14 subject to the following requirements:

15 (1) All proposed waivers must be submitted for approval to the Purchaser. All
16 proposed waivers must set forth the reasons the Contracting Officer is requesting the waiver,
17 and the steps that were taken to find any entity that complies with this Chapter 12E.

18 (2) The Purchaser shall report to the Director annually all such waivers granted,
19 within 30 days of the end of the fiscal year.

20 (e) In the event of any conflict between this Chapter 12E and Section 4.14 of the
21 Administrative Code, this Chapter 12E shall govern.

22
23 **SEC. 12E.43. RULES AND REGULATIONS.**

24 The Director may adopt rules, regulations, and guidelines to implement this Chapter 12E.
25

1 Section 4. The Police Code is hereby amended by adding Article 21, consisting of
2 Sections 2101-~~2106~~2108, to read as follows:

3
4 **ARTICLE 21: BAN ON PUBLIC USE OF GAS-POWERED LANDSCAPING**

5 **EQUIPMENT:**

6 **SEC. 2101. DEFINITIONS.**

7 *For purposes of this Article 21:*

8 *“City” means the City and County of San Francisco.*

9 *“Department” means the Department of the Environment.*

10 *“Director” means the Director of the Department of the Environment, or the Director’s*
11 *designee.*

12 *“Gas-Powered Landscaping Equipment” means any Small Off-Road Equipment equipment*
13 *used for landscaping maintenance that is powered by an internal combustion or rotary engine using*
14 *gasoline, alcohol, or other liquid or gaseous fluid, including but not limited to leaf blowers, string*
15 *trimmers, hedge trimmers, lawn edgers, push and riding lawn mowers, tractors, and*
16 *chainsaws.*

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

20 *“Replacement Technology” means landscaping equipment that is not Gas-Powered*
21 *Landscaping Equipment, and that is capable of performing performs the core function(s)*
22 *performed by equivalent one or more functions that Gas-Powered Landscaping Equipment is*
23 *capable of performing.*

24 *“Small Off-Road Equipment” has the meaning set forth in Title 13, Division 3, Chapter*
25 *9, Article 1 of the California Code of Regulations, as may be amended from time to time.*

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SEC. 2102. PROHIBITIONS.

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

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

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

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

SEC. 2103. EXEMPT GAS-POWERED LANDSCAPING EQUIPMENT LIST.

(a) The Department shall compile a list of Gas-Powered Landscaping Equipment for which Replacement Technology is unavailable. This list shall be called the Exempt Gas-Powered Landscaping Equipment List. Replacement Technology shall be deemed to be “unavailable” for purposes of this list if Replacement Technology does not exist, or if the Replacement Technology cannot be purchased for an amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping Equipment, taking into account up-front costs, including electrical infrastructure supporting Replacement Technology, and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent Replacement Technology. As appropriate, the Department may specify on the list limited circumstances in which Replacement Technology for particular Gas-Powered Landscaping Equipment is unavailable, such that Gas-Powered Landscaping Equipment may be used. The Department shall review the list at least annually and make any necessary changes.

1 (b) Notwithstanding Section 2102, Gas-Powered Landscaping Equipment included on
2 the Exempt Gas-Powered Landscaping Equipment List may be used subject to any limitations
3 stated on that list so long as the equipment remains on the list.

4
5 **SEC 21032104. ADMINISTRATION AND ENFORCEMENT.**

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

9
10 **SEC. 21042105. PENALTIES AND ENFORCEMENT.**

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

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

24 (c) Penalty Amounts. In setting the amount of the administrative penalty, which shall not
25 exceed \$1,000 per violation, the Director shall consider any one or more mitigating or aggravating

1 circumstances presented, including but not limited to the following: the persistence of the violation, the
2 willfulness of the violation, the length of time over which the violation occurred, and the assets,
3 liabilities, and net worth of the violator.

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

6
7 **SEC. 24052106. PUBLIC EDUCATION CAMPAIGN.**

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

13
14 **SEC. 2107. REPORT TO THE BOARD OF SUPERVISORS.**

15 The Director shall provide a written report to the Board of Supervisors no later than
16 March 31 of each year in which the Director describes the progress over the prior calendar
17 year on implementation of this Article 21, including enforcement efforts and the public
18 education campaign, on implementation of the restrictions on City use of Gas-Powered
19 Landscaping Equipment in Chapter 12E of the Administrative Code, on administration of the
20 Buy-Back Program as described in Section 10.100-74(c)(2) of the Administrative Code, and
21 on all uses of the funds in the Healthier, Cleaner, Quieter Communities Fund under Section
22 10.100-74 of the Administrative Code.

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25 //

1 **SEC. 24062108. UNDERTAKING FOR THE GENERAL WELFARE.**

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

6
7 Section 5. Chapter 10, Article XIII, of the Administrative Code is hereby amended by
8 adding Section 10.100-74 to read as follows:

9
10 **SEC. 10.100-74. THE HEALTHIER, CLEANER, QUIETER COMMUNITIES FUND.**

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

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

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

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

23 (2) To fund a “buy-back” and/or incentive program (“Buy-Back Program”) with the
24 purpose of offsetting the cost to San Francisco residents and businesses of transitioning from the use of
25 Gas-Powered Landscaping Equipment to the use of Replacement Technology. The Director shall

1 initiate the ~~buy-back program~~Buy-Back Program as soon as funding for the program is available.
2 The Director shall develop and publish criteria for eligibility of individuals and businesses to
3 participate in the ~~buy-back program~~Buy-Back Program. The criteria shall prioritize support for
4 individuals and businesses that have demonstrated compliance with Article 21 of the Police Code,
5 businesses with two or more employees that have average gross receipts in the prior five years that do
6 not exceed \$2,500,000 and businesses and individuals that live, are based, or are operating primarily
7 in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen tool, compiled and
8 maintained by the California Office of Environmental Health Hazard Assessment and available on their
9 website at www.oehha.gov/calenviroscreen, or equivalent tool approved by California state or local
10 governments to identify communities disproportionately burdened by pollution.

11 (3) To fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer
12 in use by City departments or that is provided by individuals or businesses participating in the ~~buy-~~
13 back programBuy-Back Program.

14 (4) To fund the public education campaign described in section ~~2405~~2106 of the Police
15 Code.

16
17 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
18 of this ordinance, or any application thereof to any person or circumstance, is held to be
19 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
20 shall not affect the validity of the remaining portions or applications of the ordinance. The
21 Board of Supervisors hereby declares that it would have passed this ordinance and each and
22 every section, subsection, sentence, clause, phrase, and word not declared invalid or
23 unconstitutional without regard to whether any other portion of this ordinance or application
24 thereof would be subsequently declared invalid or unconstitutional.

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

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: */S/ Sarah Crowley*
9 SARAH CROWLEY
Deputy City Attorney

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