

CITY OF OJAI

ORDINANCE NO. 930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI AMENDING OJAI MUNICIPAL CODE PARAGRAPH E (LEAF BLOWERS) OF SECTIONS 5-11.05 (SPECIAL NOISE SOURCES) OF CHAPTER 11 (NOISE STANDARDS AND REGULATIONS) OF TITLE 5 (SANITATION AND HEALTH) AND ADDING CHAPTER 15 (SMALL ENGINE REGULATIONS) TO TITLE 5 (SANITATION AND HEALTH) TO CURB GREENHOUSE GAS EMISSIONS CAUSED BY CERTAIN INTERNAL COMBUSTION ENGINES

WHEREAS, on July 22, 2019, the City Council adopted a resolution declaring a climate emergency and expressing a commitment to reduce greenhouse gases; and

WHEREAS, small internal combustion engines are significant contributors to greenhouse gases, especially nitrous oxides and hydrocarbons; and

WHEREAS, electric-powered alternatives for landscaping equipment are widely available in the market; and

WHEREAS, the City Council desires to limit the use of certain small internal combustion engines in the City in furtherance of its commitment to reduce greenhouse gases.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. All of the foregoing recitals are true and correct.

SECTION 2. Text Amendment. Paragraph (e) (Leaf Blowers) of Section 5-11.05 (Special Noise Source) of Chapter 11 (Noise Standards and Regulations) of Title 5 (Sanitation and Health) of the Ojai Municipal Code is hereby amended to read as follows, with additions noted by underlined text and deletions noted by ~~struck-through~~ text:

(1) ~~Residential zones, including village mixed use. No person shall operate a gas-powered leaf blower within any residential areas of the City after December 31, 1998; provided, however, that gas-powered leaf blowers may be operated within the confines of a condominium or planned development project with a minimum project size of at least seven and one-half (7 ½) acres until October 1, 1999 providing the following conditions are met:~~

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- (i) ~~The operator shall be a minimum distance of one hundred fifty (150) feet from the nearest residence, school, hospital or residential care facility to the project.~~
- (ii) ~~Hours of operation are limited to no more than three (3) days per week (Monday-Friday) during a five (5) hour period between the hours of 9:00 a.m. and 4:00 p.m. The project's homeowners' association shall designate the days and time periods when gas-powered leaf blowers may be used subject to the above limitations. Notice of the days and times designated shall be provided in writing to all members of the association and/or residents of the development. Additionally, this information shall be posted at any location customarily used by the association for informational postings or at another location easily observable to residents. Operation is prohibited on Saturdays, Sundays and holidays.~~
- (iii) ~~No cutting, refuse or debris is blown onto neighboring properties or into a street or gutter.~~
- (iv) ~~The standard factory silencer and/or muffler equipment shall be attached at all times and maintained in good working order.~~

~~After October 1, 1999, the operation of gas-powered leaf blowers shall be prohibited in all residential zones.~~

Only electric powered leaf blowers may be used in the City. Leaf blowers powered by internal combustion engines are prohibited in the City. The operation of electric powered leaf blowers is permitted in residential zones providing the following conditions are met:

- (v) Hours of operation are limited to 8:00 a.m. to 5:00 p.m. weekdays and Saturdays. Operation is prohibited on Sundays and holidays.
- (vi) No cutting, refuse or debris is blown onto neighboring properties or into a street or gutter.
- (vii) The standard factory silencer ~~and/or muffler equipment~~ shall be attached at all times and in good working order.

~~All other zones.~~ The operation of gas-powered and electrical powered leaf blowers shall be permitted on parcels in non-residential zones under the following conditions:

- (i) ~~If using a gas-powered leaf blower, the operator shall be a minimum distance of one hundred fifty (150) feet from the nearest neighboring residence, school, hospital, lodging or residential care facility.~~
- (ii) Hours of operation are limited to 8:00 a.m. to 6:00 p.m. Operation is prohibited on City holidays.
- (iii) No cuttings, refuse or debris are blown onto neighboring properties or into a street or gutter.
- ~~(iv-iii)~~ The standard factory silencer ~~and/or muffler equipment~~ shall be attached at all times and maintained in good working order.

- (3) No business license shall be issued to any gardener and/or landscaper without proof of purchase of an electric leaf blower and a signed declaration that the

company will not use prohibited leaf blowers or other prohibited equipment in the city.

- (4) The full blower nozzle extension shall be used for maximum efficiency and to minimize the spread of fugitive dust.
- (5) After leaf blower use, debris and waste materials shall be disposed of in trash receptacles or other equivalent container.
- (6) Leaf blowers shall be maintained in proper working order and all manufacturers' noise and dust control equipment on the leaf blower shall remain on the blower and be in operating condition.

SECTION 3. Text Amendment. Chapter 15 (Small Engine Regulations) of Title 5 (Sanitation and Health) of the Ojai Municipal Code is hereby added to read as follows, with additions noted by underlined text:

Chapter 15 – Small Engine Regulations

Sec. 5-15.01. Definitions.

“Hedge Trimmer” or “Pole Hedge Trimmer” means a tool resembling a chainsaw used for cutting back bushes, shrubs, and hedges; and which may include a long handle used for manicuring landscape materials beyond arm reach.

“Internal Combustion Engine” means an engine within which fuel is burned and performs useful work within a combustion chamber.

“Lawn Edger” means a powered cutting tool used to form distinct boundaries between a lawn, typically consisting of a grass, or other botanical ground cover, and another ground surface feature such as paved, concreted or asphalted area, or a granular material such as sand or gravel, or uncovered soil.

“Leaf blower” means a tool that propels air out of a nozzle to move debris, such as leaves or grass cuttings.

“Non-riding lawn mower” means a tool that uses one or more revolving blades to cut grass or other landscape material to an even height and that is not designed to be ridden by the operator.

“Pole Saw” means a small curved saw blade mounted on a long handle and used for pruning branches beyond arm reach.

“String trimmer” means a tool that uses a rapidly spinning flexible monofilament line or plastic line to cut grass or other landscape material.

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“Chainsaw” means a tool that cuts with a set of teeth attached to a rotating chain driven along a guide bar. It is used in activities such as tree felling, limbing, bucking, pruning, cutting firebreaks in wildland fire suppression, and harvesting of firewood.

Sec. 5-15.02. Regulation.

- (a) The use of any of the following equipment is prohibited anywhere within the City:
- (1) Hedge trimmer powered by internal combustion engines.
 - (2) Lawn edger powered by internal combustion engines.
 - (3) Leaf blowers powered by internal combustion engines.
 - (4) Non-riding lawn mowers powered by internal combustion engines.
 - (5) Pole hedge trimmer powered by internal combustion engines.
 - (6) Pole saws powered by internal combustion engines.
 - (7) String trimmers powered by internal combustion engines.
- (b) Any and all chainsaws powered by internal combustion engines require a permit:
- (1) Any usage of chainsaw equipment powered by internal combustion engine requires a permit (with a fee as set by the City Council) approved and issued through the Community Development Department.
- (c) This section shall not apply to work performed by the City or its designee.

Sec. 5-15.03. Enforcement.

- (a) Peace officers, code enforcement officers, and other persons designated by the City Manager shall enforce this chapter. The City Manager may publish written regulations in the manner required by law for the publication of ordinances and may take any and all other actions rational and necessary to enforce this chapter.
- (b) ~~Any person violating any of the provisions of this chapter shall be subject to the penalty provisions of Chapter 2, Title 1 of this Code. These penalties are cumulative with and in addition to other provisions of this Code and any other remedies available at law.~~
- (b) “Any person, including property owners, tenants, brokers or property managers, whether as principal, agent, employee or otherwise, violating any provision of this chapter shall be guilty of a misdemeanor as provided in Title 1, Chapter 2, Section 1-2.03 of this Code[.]” (Muni Code Section 4-24.05, subd. (a)).
- (c) In addition to any other remedies available by law and under this Code, a violation of this chapter is subject to the administrative enforcement provisions of Section 1-2.03 of this Code.

- (d) The remedies specified in this chapter shall be cumulative and the City may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
- (e) The city attorney may seek injunctive, legal, or other equitable relief to enforce this chapter.

Sec. 5-15-.04. Charging violations: Penalties.

Any person, including property owners, tenants, brokers or property managers, whether as principal, agent, employee or otherwise, subject to this chapter who violates any provision of this chapter, shall be deemed guilty of an infraction at the discretion of City authorities and, upon conviction thereof, shall be subject to the following schedule of penalties: a maximum of one hundred dollars (\$100.00) for the first offense; a maximum of two hundred dollars (\$200.00) for the second offense; a maximum of five hundred dollars (\$500.00) for every offense thereafter. Such person, property owners, tenants, brokers or property managers, shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted and shall be punishable as provided in this section. The provisions of this section are in addition to and independent of any other sanctions which are or may be imposed under this chapter or any other provision of law.

SECTION 4 . Compliance with CEQA. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds the adoption of this Ordinance regulating certain equipment powered by internal combustion engines is exempt from the California Environmental Quality Act (“CEQA”) under section 15308 of the California Code of Regulations because the Ordinance “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” In this case, the Ordinance seeks to protect the climate from the harmful effects of greenhouse gases and air quality from the harmful effects of burning fossil fuels. This Ordinance is further exempt from CEQA under section 15061, subdivision (b)(3), because “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clause, phrase or portions might be declared invalid or unconstitutional.

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SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published, and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Effective Date. Pursuant to California Government Code Section 36937, the Ordinance takes effect 90 days after its final passage, and shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue to be in effect until terminated by further action of the City Council in accord with the applicable law.

PASSED, APPROVED AND ADOPTED this 14th day of June, 2022.

CITY OF OJAI, CALIFORNIA

By Betsy Stix
Betsy Stix, Mayor

July 5, 2022
Date signed

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew T. Summers
Matthew T. Summers, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on May 24, 2022 and adopted at a regular meeting held on June 14, 2022 by the following vote:

AYES: Blatz, Francina, Haney, Stix, Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis
Deputy City Clerk for the City of Ojai