

ORDINANCE No. 1932

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS.

***City Attorney Summary***

*This Ordinance prohibits the use of gasoline powered leaf blowers in the City commencing on January 1, 2019, and provides for the regulation of electrical or battery powered leaf blowers.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. The City Council hereby makes the following factual findings: (i) as of the date of this Ordinance's adoption, there is no technology or practice that will prevent gasoline powered leaf blowers from constituting a "noise disturbance" as that term is defined under the Palm Springs Municipal Code, and (ii) to mitigate potentially undesirable logistic impacts of this Ordinance, and accomplish the gradual acceptance of the requirements of this Ordinance by all parties as desired by the Council, the City should issue warnings as to violations after this Ordinance's effective date, but should issue no citation for any violation hereof until 12:01 am on April 1, 2019.

SECTION 2. Add Subdivision (k) to Section 11.74.043 to Chapter 11.74 of the Palm Springs Municipal Code, re "Loud, Unusual Noises," to read:

(k) Gasoline Powered Leaf Blowers.

The use of gasoline powered leaf blowers, to produce a current of air and thereby push, propel or blow cuttings, refuse or debris, or otherwise shall be prohibited within the corporate limits of the City.

SECTION 3. Add Section 5.78.050 to Chapter 5.78 of the Palm Springs Municipal Code, re "Landscape Related Businesses," to read:

The City Manager, or his/her designee is hereby authorized and directed to adopt guidelines for the proper use of electrical or battery powered leaf blowers, which guidelines shall prohibit blowing debris onto adjacent properties or into adjacent streets, and promote the safe and efficient use of leaf blowers while also mitigating, to the extent possible, the noise and nuisance effects of Leaf blowers. The Finance Department is hereby directed to provide a copy of this Ordinance and the leaf blower

guidelines to each person obtaining a City business license for the operating of a gardening or landscape maintenance service or business within the City.

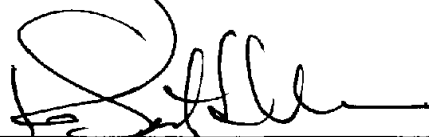
SECTION 4. Amend Section 5.78.010 in Chapter 5.78 of the Palm Springs Municipal Code, re "Landscape Related Businesses," to read:

The purpose and intent of this chapter is to promote the public health, safety, and general welfare by insuring that landscape related businesses operating within the city understand and appreciate (i) the grass over-seeding alternative promoted by CVAG, AQMD, and local stakeholders, which alternative eliminates the need for turf scalping, serves as an important air quality control measure, and thereby enhances the local air quality, and (ii) the City's determination that electrical or battery powered leaf blowers authorized for use in the City of Palm Springs is an activity that must be regulated.

SECTION 5. Neither introduction nor adoption of this Ordinance represents a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) section 15378, because this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines.

SECTION 6. The Mayor shall sign, and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of applicable law; this Ordinance shall take effect at 12:01 am on January 1, 2019.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 26<sup>th</sup> DAY OF JULY, 2017.



ROBERT MOON, MAYOR

ATTEST:

  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK


8.5.17

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1932 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 19<sup>th</sup> day of July, 2017, and adopted at an adjourned regular and special meeting of the City Council held on the 26<sup>th</sup> day of July, 2017, by the following vote:

AYES: Councilmembers Kors, Roberts, and Mayor Pro Tem Foat  
NOES: Councilmember Mills and Mayor Moon  
ABSENT: None  
ABSTAIN: None  
RECUSED: None

  
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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK