

**CHAPTER 11.28**  
**LEAF BLOWER ORDINANCE**

11.28.010 Title. This Chapter shall be known as the “City of Encinitas Leaf Blower Ordinance”.

11.28.020 Purpose and Intent. The purpose of this Chapter is to establish standards to protect the natural environment, increase sustainability efforts, reduce greenhouse gas emissions, and improve the overall quality of life within the City of Encinitas.

11.28.030 Definitions. For purposes of this Chapter only, the terms below have the following meaning:

- A. “City” means the City of Encinitas.
- B. “City Facility” means any building, structure, property, park, open space, or vehicle, owned, leased or operated by the City, its agents, agencies, departments or franchisees.
- C. “City Contractor” means any person that enters into an agreement with the City to furnish products or services to or for the City.
- D. “City-Sponsored Event” means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.
- E. “Commercial Operator” means any person who, for compensation or hire, engages in providing services or products.
- F. “Leaf Blower” or “Leaf Blowers” means any portable, hand-held or backpack, air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris.
- G. “Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

11.28.040 Prohibition of Gas-Powered Leaf Blowers.

A. The use or operation of any Leaf Blower powered by a combustion or gasoline engine shall be prohibited.

B. All City Facilities, City-managed concessions, City-sponsored or co-sponsored events, City permitted events and all franchisees, City Contractors, and vendors doing business within the City shall be prohibited from using or operating any leaf blower powered by a combustion or gasoline engine.

11.28.050 Use of Leaf Blowers.

- A. Leaf Blowers powered by line current (electricity) or by battery may be used in the City subject to the provisions of this Chapter.
- B. Permitted hours of operation by any Person shall be as follows:
  - 1. 8:00 a.m. to 6:00 p.m., Monday through Saturday.
  - 2. 12:00 p.m. to 5:00 p.m. on Sundays.
- C. No Person shall operate a Leaf Blower on federally recognized holidays.
- D. Operation of a Leaf Blower shall not deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris onto a neighboring property or into a street, sidewalk, gutter, or storm drain.
- E. No Person shall operate any leaf blower without attachment of all mufflers and full extension blower tubes supplied by the manufacturer for that leaf blower.

11.28.060 Enforcement.

- A. Any violation of this Chapter shall be enforced through the Administrative Citation Program set forth in Chapter 1.08 of the Encinitas Municipal Code.
- B. Each violation of this Chapter shall be considered a separate offense.
- C. The remedies and penalties provided in this chapter are cumulative and not exclusive and nothing in this shall preclude the City from pursuing any other remedies. The City Attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulations or administrative procedure developed pursuant hereto.
- D. In addition to any other applicable civil or criminal penalty, any person convicted of a violation of this chapter is guilty of an infraction, which is punishable pursuant to the penalty provisions set forth in Chapter 1.08 of this Code.

11.28.070 Administrative Remedies.

- A. Any person violating, causing or maintaining a violation of any provision of this chapter may be issued an administrative citation assessing a civil fine as provided in this section. The procedures for the imposition, enforcement, collection, and administrative review of civil fines shall be in addition to, and not in lieu of, any criminal, civil or other legal remedy established by law and available to the City to address violations of this chapter.
- B. Upon a first violation of any provision of this chapter, the City Manager or his/her designee shall issue a written warning Notice of Violation to the offending Person. The warning Notice of Violation shall specify the violation(s), a date by which the violation(s) must be ceased and abated, and the penalties in the event of future violations. If, after the specified

correction period following the written warning, the violation is not ceased or abated, the City Manager or his/her designee may issue an administrative citation assessing fines in accordance with this section.

C. Each separate violation following the issuance of a warning Notice of Violation shall be subject to the following administrative fines which shall be cumulative with each day that a violation occurs constituting a separate violation:

1. A one hundred dollar (\$100) fine for the first violation following the issuance of a warning notice.
2. A two hundred dollar (\$200) fine for the second violation following the issuance of a warning notice.
3. A one thousand dollar (\$1,000) fine for each additional violation that occurs following the issuance of a warning notice.

D. Each administrative citation issued for a violation of this Chapter shall at a minimum contain the information specified in chapter 1.08.080 of the Encinitas Municipal Code, Administrative Citations, and any person receiving an administrative citation may contest the citation, and shall be entitled to an administrative hearing pursuant to the procedures set forth in that chapter.

11.28.080 No Conflict with Federal or State Law

Nothing in this chapter is intended to or shall be interpreted as conflicting with any federal or state law or regulation.

11.28.090 Operative Date.

A. This Ordinance shall become operative according to the following schedule:

1. This Ordinance shall become operative as to City Contractors, City Facilities, and City-Sponsored Events on the effective date of the Ordinance.
2. This Ordinance shall become operative as to any Commercial Operator conducting business within the City of Encinitas three (3) months after the effective date of the Ordinance.
3. This Ordinance shall become operative as to any Person four (4) months after the effective date of the Ordinance.

B. Within fifteen (15) days of the date of adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be

published as required by law.

11.28.100 Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause, phrase and portion of this Ordinance irrespective of the fact that one or more, sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional To this end, the provisions of this Ordinance are declared severable.