

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~~July 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~~July 1, 2024, with  
10 waivers for City departments that document to the satisfaction of the Purchaser the  
11 necessity of such waiver; 3) 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; 4) 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; 5) require that the Department conduct a public  
17 education campaign regarding the gas-powered landscaping equipment ban and the  
18 buy-back programBuy-Back Program; 6) 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 programBuy-Back Program, for safe disposal of gas-powered landscaping equipment,  
22 and/or to fund the Department’s public education campaign; and 7) designate the  
23 Department to administer and enforce the ordinance; and 8) require the Department,  
24 starting in 2026 and ending on December 31, 2036, to report to the Board of  
25 Supervisors by March 31 of each year on progress over the prior calendar year in

1 enforcing the restrictions on gas-powered landscaping equipment, conducting the  
2 public education campaign, administering the Buy-Back Program, and using the  
3 monies in the fund.

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

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

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

14 Section 2. Findings.

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

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

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

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

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

1 rain, comprised of the common pollutants sulphur dioxide and nitrogen dioxide, is the chief  
2 cause of corrosive damage to the built environment.

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

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

21  
22 Section 3. The Administrative Code is hereby amended by revising Section 4.14 in  
23 Chapter 4, and by adding Chapter 12E, consisting of Sections 12E.1-12E.312E.412E.5, to  
24 read as follows:

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

1 (a) For purposes of this Section 4.14, "polluting garden and utility equipment" means  
2 gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke  
3 models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and  
4 jackhammers. Except as otherwise provided in this Section, no City department ~~of the City and~~  
5 ~~County of San Francisco~~ shall use polluting garden and utility equipment on "Spare the Air  
6 Days" or other days in which the Bay Area Air Quality Management District notifies the public  
7 of unhealthy levels of air pollution and requests that the public refrain from engaging in  
8 polluting activities. The prohibition on the use of polluting garden and utility equipment shall  
9 not apply to an employee whose supervisor, in accordance with written departmental  
10 procedures, has exempted the employee from the prohibition on a specified day. The  
11 department head of each department that uses polluting garden and utility equipment shall  
12 establish procedures for informing employees about the prohibition on use and authorizing  
13 exemption requests.

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

17 \* \* \* \*

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

19 **SEC. 12E.1. DEFINITIONS.**

20 For purposes of this Chapter 12E:

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

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

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

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

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

6 “Contracting Officer” shall mean the department head or designee of the department  
7 head.

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

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

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

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

16  
17 **SEC. 12E.2. BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT;**  
18 **WAIVERS.**

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

23 (b) **Waivers.** The Director shall grant a temporary waiver of the prohibition on using Gas-  
24 Powered Landscaping Equipment in requirements of Section 12E.2(a) to a City department with  
25 respect to Gas-Powered Landscaping Equipment that the Director finds is needed to perform

1 one or more required functions of the department and for which the Director determines that  
2 Replacement Technology is unavailable. that submits to the Director written documentation  
3 that establishes to the Director's satisfaction: (1) that the department has thoroughly  
4 researched Replacement Technology available to replace Gas-Powered Landscaping  
5 Equipment in performing required department functions; and (2) that Replacement  
6 Technology is currently unavailable to adequately perform one or more identified required  
7 functions of the department for which the department currently uses Gas-Powered  
8 Landscaping Equipment. The Director shall waive the prohibition in Section 12E.2(a) only as to  
9 solely with respect to those specific, identified departmental functions for which the department  
10 documents to the Director's satisfaction that Replacement Technology is unavailable. Replacement  
11 Technology shall be deemed to be "unavailable" for purposes of this waiver, and for purposes of any  
12 renewal of the waiver under Section 12E.2(c), if Replacement Technology does not exist, or if a  
13 department is unable to purchase Replacement Technology for an amount less than or equal to  
14 120300% of the cost of the relevant equivalent Gas-Powered Landscaping Equipment, taking into  
15 account inclusive of up-front costs, including electrical infrastructure supporting Replacement  
16 Technology, and operating costs over a one-year period for the Gas-Powered Landscaping  
17 Equipment and equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping  
18 Equipment on the Exempt Gas-Powered Landscaping Equipment List, described in Section  
19 2103 of the Police Code, shall constitute a determination by the Director that Replacement  
20 Technology is unavailable with respect to the listed equipment.

21 (c) **Waiver renewals.** A temporary waiver granted under Section 12E.2(b) shall expire on  
22 February 1March 31 of the calendar year following the grant or renewal of the waiver. The Director  
23 shall renew a department's waiver under Section 12E.2(b) to extend past that February 1March 31 to  
24 the next February 1March 31 if the Director determines that the Gas-Powered Landscaping  
25 Equipment that is the subject of the waiver remains necessary to perform one or more

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

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

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

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

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

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



1           (2) The Contracting Officer Purchaser determines, pursuant to applicable  
2 provisions of the Administrative Code, that the Contract is necessary to respond to an  
3 emergency which endangers the public health or safety, and no entity is capable of  
4 responding to the emergency and is immediately available to perform the required services  
5 while complying with the prohibition in Section 12E.3(a); or

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

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

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

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

1           (7) The Purchaser determines that Gas-Powered Landscaping Equipment is  
2 needed to perform one or more required contractual objectives, and the Director has  
3 determined that Replacement Technology is unavailable for that Gas-Powered Landscaping  
4 Equipment, that the necessary infrastructure does not exist or cannot be put into place  
5 allowing for the use of Replacement Technology on the contract, or that it is otherwise  
6 infeasible to utilize Replacement Technology on the contract. Replacement Technology shall  
7 be deemed to be “unavailable” for purposes of this waiver if Replacement Technology does  
8 not exist, or if the party with the obligation to provide relevant equipment under the Contract is  
9 unable to purchase Replacement Technology for an amount less than or equal to 300% of the  
10 cost of the equivalent Gas-Powered Landscaping Equipment, taking into account inclusive of  
11 up-front costs, including electrical infrastructure supporting Replacement Technology, and  
12 operating costs over a one-year period for the Gas-Powered Landscaping Equipment and  
13 equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping Equipment on  
14 the Exempt Gas-Powered Landscaping Equipment List, described in Section 2103 of the  
15 Police Code, shall constitute a determination by the Director that Replacement Technology is  
16 unavailable with respect to the listed equipment.

17           (c) Departments shall submit proposed waivers for approval by the Purchaser in  
18 accordance with the Director’s rules and regulations.

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

21           ~~(de) The waiver authority granted to Contracting Officers in Section 12E.3(b) shall be~~  
22 ~~subject to the following requirements:~~

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

1           —(2)—The Purchaser shall report to the Director annually all such waivers granted  
2 under Section 12E.3(b) within 30 days of the end of the fiscal year.

3           (ef) In the event of any conflict between this Chapter 12E and Section 4.14 of the  
4 Administrative Code, this Chapter 12E shall govern.

5  
6           **SEC. 12E.43. RULES AND REGULATIONS.**

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

8  
9           **SEC. 12E.5. PREEMPTION.**

10          Nothing in this Chapter 12E shall be interpreted or applied so as to create any  
11 requirement, power, or duty in conflict with any federal or state law. In Contracts that involve  
12 the use of any funds furnished, given, or loaned by the Government of the United States or  
13 the State of California, all laws, rules, and regulations of the United States or California or of  
14 any federal or State departments relative to the performance of such work and the conditions  
15 under which the work is to be performed, shall prevail over the requirements of this Chapter  
16 12E when such laws, rules, or regulations are in conflict.

17  
18          Section 4. The Police Code is hereby amended by adding Article 21, consisting of  
19 Sections 2101-21062108, to read as follows:

20  
21                   **ARTICLE 21: BAN ON PUBLIC USE OF GAS-POWERED LANDSCAPING**  
22                                   **EQUIPMENT.**

23           **SEC. 2101. DEFINITIONS.**

24           *For purposes of this Article 21:*

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

1 “Department” means the Department of the Environment.

2 “Director” means the Director of the Department of the Environment, or the Director’s  
3 designee.

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

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

12 “Replacement Technology” means landscaping equipment that is not Gas-Powered  
13 Landscaping Equipment, and that is capable of performing performs the core function(s)  
14 performed by equivalent one or more functions that Gas-Powered Landscaping Equipment is  
15 capable of performing.

16 “Small Off-Road Equipment” has the meaning set forth in Title 13, Division 3, Chapter  
17 9, Article 1 of the California Code of Regulations, as may be amended from time to time.

18  
19 **SEC. 2102. PROHIBITIONS.**

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

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

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

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

4  
5            **SEC. 2103. EXEMPT GAS-POWERED LANDSCAPING EQUIPMENT LIST.**

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

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

21  
22            **SEC 21032104. ADMINISTRATION AND ENFORCEMENT.**

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

1  
2       **SEC. 21042105. PENALTIES AND ENFORCEMENT.**

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

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

16       **(c) Penalty Amounts.** *In setting the amount of the administrative penalty, which shall not*  
17 *exceed \$1,000 per violation, the Director shall consider any one or more mitigating or aggravating*  
18 *circumstances presented, including but not limited to the following: the persistence of the violation, the*  
19 *willfulness of the violation, the length of time over which the violation occurred, and the assets,*  
20 *liabilities, and net worth of the violator.*

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

23  
24       **SEC. 21052106. PUBLIC EDUCATION CAMPAIGN.**  
25

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

6  
7            **SEC. 2107. REPORT TO THE BOARD OF SUPERVISORS.**

8            Starting in 2026, The Director shall provide a written report to the Board of  
9 Supervisors no later than March 31 of each year in which the Director describes the progress  
10 over the prior calendar year on implementation of this Article 21, including enforcement efforts  
11 and the public education campaign, on implementation of the restrictions on City use of Gas-  
12 Powered Landscaping Equipment in Chapter 12E of the Administrative Code, on  
13 administration of the Buy-Back Program as described in Section 10.100-74(c)(2) of the  
14 Administrative Code, and on all uses of the funds in the Healthier, Cleaner, Quieter  
15 Communities Fund under Section 10.100-74 of the Administrative Code. This reporting  
16 obligation shall end on December 31, 2036.

17  
18            **SEC. ~~2106~~2108. UNDERTAKING FOR THE GENERAL WELFARE.**

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

23  
24            Section 5. Chapter 10, Article XIII, of the Administrative Code is hereby amended by  
25 adding Section 10.100-74 to read as follows:

1  
2           **SEC. 10.100-74. THE HEALTHIER, CLEANER, QUIETER COMMUNITIES FUND.**

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

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

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

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

15                   **(2) To fund a “buy-back” and/or incentive program (“Buy-Back Program”) with the**  
16 **purpose of offsetting the cost to San Francisco residents and businesses of transitioning from the use of**  
17 **Gas-Powered Landscaping Equipment to the use of Replacement Technology. The Director shall**  
18 **initiate the ~~buy-back program~~Buy-Back Program as soon as funding for the program is available.**  
19 **The Director shall develop and publish criteria for eligibility of individuals and businesses to**  
20 **participate in the ~~buy-back program~~Buy-Back Program. The criteria shall prioritize support for**  
21 **individuals and businesses that have demonstrated compliance with Article 21 of the Police Code,**  
22 **businesses with two or more employees that have average gross receipts in the prior five years that do**  
23 **not exceed \$2,500,000 and businesses and individuals that live, are based, or are operating primarily**  
24 **in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen tool, compiled and**  
25 **maintained by the California Office of Environmental Health Hazard Assessment and available on their**



1 website at [www.oehha.gov/calenviroscreen](http://www.oehha.gov/calenviroscreen), or equivalent tool approved by California state or local  
2 governments to identify communities disproportionately burdened by pollution.

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

6 (4) To fund the public education campaign described in section ~~21052106~~ of the Police  
7 Code.

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

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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.

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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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# City and County of San Francisco

## Tails Ordinance

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

**File Number:** 220199

**Date Passed:** September 27, 2022

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using gas-powered landscaping equipment to perform a City function starting July 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 City from contracting for the use of gas-powered landscaping equipment to perform a City function starting July 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program ("Buy-Back Program") to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the Buy-Back Program; 6) 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; 7) designate the Department to administer and enforce the ordinance; and 8) require the Department, starting in 2026 and ending on December 31, 2036, to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.

April 27, 2022 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 27, 2022 Budget and Finance Committee - CONTINUED AS AMENDED

May 04, 2022 Budget and Finance Committee - CONTINUED

May 11, 2022 Budget and Finance Committee - CONTINUED TO CALL OF THE CHAIR

September 14, 2022 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 14, 2022 Budget and Finance Committee - RECOMMENDED AS AMENDED..

September 20, 2022 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 27, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220199

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/27/2022 by the Board of Supervisors of the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
London N. Breed  
Mayor

  
\_\_\_\_\_  
Date Approved