

ATTACHMENT A

ORDINANCE 2023-_____

ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON, STATE OF CALIFORNIA, AMENDING SECTION
8.16.040 OF THE ATHERTON MUNICIPAL CODE

WHEREAS, the City Council has adopted various ordinances regulating noise within the Town as codified at Chapter 8.16 of the Atherton Municipal Code; and

WHEREAS, the Town has an adopted Climate Action Plan that includes a series of identified Greenhouse Gas (GHG) reduction measures in accordance with State mandates; and

WHEREAS, gas powered leaf blowers are considered as part of the Town's transportation generating GHG emissions and reducing pollutants caused by such devices is supportive of the Town's Climate Action Plan goals; and

WHEREAS, in 2021, the State of California enacted Assembly Bill 1346 to require the California Air Resources Board (CARB) to adopt regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines; and

WHEREAS, CARB adopted such regulations to ban the sale of new small off-road engines used in equipment which includes generators, lawn equipment, and other small off-road engine equipment beginning January 1, 2024, or as soon as regulators determine what is "feasible," whichever date is later; and

WHEREAS, the Town desires to prohibit the use of gas-powered leaf blowers in Atherton; and

WHEREAS, the City Council has considered all information related to this matter, as presented at various public meetings of the City Council, including any supporting reports by Town Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Atherton Municipal Code Section 8.16.040 is hereby amended to by adding the following paragraphs:

C. Leaf Blowers – Effective July 1, 2024, it shall be unlawful to use gas-powered leaf blowers in the town of Atherton.

SECTION 2: Severability. If any section, subsection, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of

this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

Town of Atherton, a municipal corporation

MAYOR: _____
BILL WIDMER

ATTEST: _____
ANTHONY SUBER, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } SS:
TOWN OF ATHERTON }

I, Anthony Suber, City Clerk of the Town of Atherton, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ____ day of _____, 2023, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
ANTHONY SUBER, CITY CLERK