

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE _____ ASSOCIATION
PERTAINING TO CITY RESTRICTIONS ON GAS-POWERED
LEAF BLOWERS IN RESIDENTIAL ZONES**

WHEREAS, the _____ Association is the association of a common interest development located within the boundaries of the City of Newport Beach; and

WHEREAS, the City Council of the City of Newport Beach has adopted Ordinance No. 2011-12, which amends Newport Beach Municipal Code (“NBMC”) section 6.04.055 (Leaf Blowers) to prohibit, with certain exceptions, the use of gas- powered leaf blowers in all residential districts within the City effective November 11, 2011; and

WHEREAS, Ordinance No. 2011-12 finds and declares that common interest developments of five or more dwelling units that have an association responsible for establishing regulations controlling the management and maintenance of exterior common areas and separate interests have adopted, or have the ability to adopt, self-imposed regulations that establish a regulatory framework addressing the exterior residential environment, and such regulatory frameworks can be used by common interest developments of five or more dwelling units to more closely address neighborhood impacts of gas-powered leaf blowers within such developments; and

WHEREAS, Ordinance No. 2011-12 states that the City Council wishes to prohibit the use of gas-powered leaf blowers in all residential districts except by certain public employees or contractors acting in the scope of their employment, and in residential common interest developments of five or more dwelling units that have an association with the power to establish rules and regulations for the management and maintenance of exterior common areas and separate interests.

WHEREAS, Ordinance No. 2014-7 amended Chapter 6.04 of the NBMC related to solid waste collection and disposal. Portions of section 6.04.050 (Nuisance Declared) were amended in relation to leaf blowers in Subsection 6.04.055(A)(1) and 6.04.055(B)(1) of the NBMC.

WHEREAS, Ordinance No. 2019-15 amended portions of Chapter 6.04 (Garbage, Refuse and Cuttings), and added Chapter 6.06 (State Mandated Municipal Solid Waste Diversion Programs) to Title 6 of the NBMC. Section 6.04.040 (Leaf Blowers) references the definition, use of, and violations of gas-powered leaf blowers

WHEREAS, Ordinance No. 2023-22 added, amended, and repealed various

provisions of the NBMC. The definition of “Leaf blowers” was amended in Subsection A (Definitions) of Section 6.04.040 of Chapter 6.04 (Garbage, Refuse and Cuttings) of Title 6 of NBMC.

WHEREAS, NBMC Section 6.04.040 (Leaf Blowers) states that residential common interest developments of five or more dwelling units that have an association with the power to establish rules and regulations for the management and maintenance of exterior common areas and separate interests may, by the method set out in their association’s rules and regulations, choose to be exempt from the restrictions on gas-powered leaf blowers; and

WHEREAS, NBMC section 6.04.040 provides that the City Manager’s Office shall establish procedures through which such residential common interest developments may demonstrate their decision to be exempt from Subsection 6.04.040.B.3.; and

WHEREAS, the Newport Beach City Manager’s Office has determined that any residential common interest development of five or more dwelling units that has an association with the power to establish rules and regulations for the management and maintenance of exterior common areas and separate interests may demonstrate its decision to be exempt from the City’s restrictions on gas-powered leaf blowers in residential districts through a resolution of its Board of Directors of; and

WHEREAS; the _____ Association is the association for the common interest development known as [name of common interest development], which is a common interest development of five or more dwelling units, and which has the power to establish rules and regulations for the management and maintenance of exterior common areas and separate areas through its operational rules. *[Optional - if the development’s CC&R’s set forth rules and regulations for management and maintenance of exterior common areas, that fact may be set forth here.];* and

WHEREAS, the Board of the Directors of the _____ Association has been granted the power to make decisions for the proper conduct and administration of the affairs of the _____ Association by the _____. *[Associations - please insert name of the relevant document granting such authority to the Board of Directors – this authority may have been granted in the CC&Rs, or the community association bylaws, or other similar document.]*

NOW, THEREFORE, the Board of Directors of the _____ Association resolves as follows:

1. The Board of Directors of the _____ Association has determined that it is in the best interests of the [name of common interest development] to be exempt from the Newport Beach Municipal Code’s prohibition on the use of gas-powered leaf blowers in residential districts.

2. The Board of Directors of the _____ Association has decided, by majority vote, to exempt the [name of common interest development] from the provisions of Newport Beach Municipal Code section 6.04.040.B.1.

IN WITNESS WHEREOF, the undersigned, President of the Board of Directors, has executed this Resolution this ____ day of _____, _____.

[NAME OF COMMUNITY ASSOCIATION]

[name of President], President

[name of Secretary], Secretary

[Individual associations – please insert such signatures as your association’s bylaws require for valid execution.]

SAMPLE