

ORDINANCE NO. O-24-1413

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARINO PROHIBITING THE INSTALLATION OF ARTIFICIAL TURF AND SYNTHETIC GRASS IN THE CITY OF SAN MARINO BY AMENDING SAN MARINO MUNICIPAL CODE SECTIONS 14.18.07 (MAINTENANCE) AND 23.16.03 (DEFINITIONS) AND ADDING MUNICIPAL CODE SECTION 23.16.24 (PROHIBITION ON ARTIFICIAL TURF AND GRASS)

THE CITY COUNCIL OF THE CITY OF SAN MARINO DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

WHEREAS, pursuant to Government Code section 65858, the City adopted a temporary moratorium (Urgency Ordinance No. 0-21-1385-U) prohibiting the installation of artificial turf or synthetic grass within the City at its September 13, 2023 City Council meeting, finding that the unregulated installation of artificial turf and synthetic grass poses a current and immediate threat to the public health, safety, and welfare of the residents of the City; and

WHEREAS, pursuant to Government Code section 65858, the moratorium lasts for a period of 45 days, unless extended after conducting a public hearing; and

WHEREAS, the City Council extended the moratorium at its October 27, 2023 meeting until September 12, 2024; and

WHEREAS, it is known to the City that certain types of artificial turf and synthetic grass create impenetrable barriers which prohibit or severely limit the absorption of ground water, and when unmitigated, create the serious risk of overwhelming the capacity of the City's stormwater drainage system that has been designed under flow analysis, projections, and assumptions that did not take into account impermeable artificial turf and synthetic grass being installed throughout the City; and

WHEREAS, numerous studies, including an on-going study by the California Office of Environmental Health Hazard Assessment, have identified that artificial turf and synthetic grass contain a wide range of chemicals depending on their source materials, which have the capability to leach into the environment and cause irreparable damage to the City's ecosystem and watershed; and

WHEREAS, there are additionally other unknown health impacts that artificial turf and synthetic grass pose to residents, especially children, given the wide-ranging types of chemicals found in artificial turf and synthetic grass, including chemicals that are known to be toxic and cause cancer, and left completely unregulated, the discharge of such chemicals could pose health risks to residents; and

WHEREAS, the state of California continuously experiences cycles of drought which create an increased demand for drought tolerant landscaping, including artificial turf and synthetic grass and some property owners have recently installed synthetic grass on their properties; and

WHEREAS, Government Code section 53087.7 prohibits the City from banning the installation of “drought-tolerant landscaping using living plant material on residential property;” and

WHEREAS, Governor Newsom signed Senate Bill 676 into law on October 8, 2023, which amended Government Code section 53087.7 to exclude artificial turf and synthetic grass from the definition of “drought-tolerant landscaping;” and

WHEREAS, under the police powers granted to it by the California Constitution, the City has the authority to enact laws to promote the health, safety, and general welfare of its residents; and

WHEREAS, the City desires to prohibit the installation of artificial turf and synthetic landscaping as permitted by Senate Bill 676.

SECTION 2. San Marino Municipal Code Section 14.18.07 (Maintenance) is amended to read as follows with deletions marked in ~~strikethrough~~:

A. Vacant properties shall not be kept in a substandard condition. Vacant properties shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant or abandoned. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior-grade paint that matches the color of the exterior of the structure. Visible front and side yards shall be landscaped and maintained to the neighborhood standard existing at the time registration was required.

B. Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or in a condition that could be a breeding ground for mosquitoes and other vectors, or shall be drained and kept dry. In either case properties with pools or spas must comply with the minimum security fencing requirements of the State of California.

C. Yard Maintenance: Front, side, and rear yards, including landscaping, shall be maintained in a clean and thriving condition in accordance with the applicable Code(s). Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark ~~or artificial turf/sod~~. Acceptable maintenance of yards and/or landscape shall not include weeds, broken concrete, asphalt or similar material. Maintenance shall include, but not be limited to, cutting and mowing of required ground cover or landscaping, and removal of all trimmings.

D. Vacant properties shall be maintained so as not to become a refuge for coyotes, vermin or other wildlife.

E. Failure to adhere to the maintenance standards for vacant properties shall be a public nuisance, subject to abatement or summary abatement in accordance with this code.

SECTION 3. San Marino Municipal Code Section 23.16.03 (Definitions) is amended to add the following terms (in alphabetical order):

The terms used in this article have the meanings set forth below:

ARTIFICIAL TURF: A man-made surface manufactured from synthetic materials which simulate the appearance of live turf, grass, sod, or lawn.

ARTIFICIAL PLANTS/ARTIFICIAL VEGETATION: A man-made or synthetically derived product that is meant to imitate a plant, tree, shrub, grass, herb, fern or moss.

SYNTHETIC GRASS: A man-made surface manufactured from synthetic materials which simulate the appearance of live turf, grass, sod, or lawn.

SUBGRADE: The native ground underneath a synthetic grass and artificial turf installation.

Subgrade does not include concrete, pavers or impermeable hardscape.

SECTION 4. San Marino Municipal Code Section 23.16.24 (Prohibition on Artificial Turf and Synthetic Grass) is added to read as follows:

- A. No artificial turf or synthetic grass shall be installed within the City.
- B. No artificial plant or artificial vegetation shall be installed within the City as part of a landscaping plan.
- C. **This section shall not apply to a designated recreational area limited to no more than 200 square feet located in the rear yard of a residence and must be installed under the following conditions:**
 - 1. **Synthetic grass and artificial turf installations must be maintained pursuant to its manufacturer's maintenance schedule, in an attractive and clean condition, and must not contain holes, tears, stains, discoloration, seam separations, lifted surfaces, loose or separated nap and netting, buckling, heat degradation, or excessive wear.**
 - 2. **Existing installations must remain tight and flush with subgrade.**
 - 3. **Existing installations must allow permeability of storm water.**
 - 4. **Adjacent hardscape, ground cover and natural landscaped areas must be kept free of residual debris from synthetic grass and artificial turf such as plastic blades, netting and crumb rubber.**

D. This section shall not apply to facilities owned and used by schools.

E. This section shall not apply to driveway pavers if the Community Development Director determines that the driveway has adequate pervious surfaces, which must cover 50% or more of the driveway at a minimum.

F. Existing synthetic grass and artificial turf legally installed prior to September 13, 2023, is permitted to remain under the following conditions:

1. The issuance of a building permit is required prior to the installation of synthetic grass and artificial turf.

2. Synthetic grass and artificial turf installations must be maintained pursuant to its manufacturer's maintenance schedule, in an attractive and clean condition, and must not contain holes, tears, stains, discoloration, seam separations, lifted surfaces, loose or separated nap and netting, buckling, heat degradation, or excessive wear.

3. Existing installations must remain tight and flush with subgrade.

4. Adjacent hardscape, ground cover and natural landscaped areas must be kept free of residual debris from synthetic grass and artificial turf such as plastic blades, netting and crumb rubber.

5. Synthetic grass and artificial turf installations damaged or destroyed, by any means, to the extent of thirty-five percent (35%) of its replacement cost, must be removed and replaced with water-efficient natural landscaping.

6. Notwithstanding the foregoing, existing artificial turf, synthetic grass, artificial plant, or artificial vegetation within the City legally installed prior to September 13, 2023, must be removed no later than October 31, 2030.

SECTION 5. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 6. CEQA.

The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines. The ordinance, which prohibits the installation of artificial turf and synthetic grass in the City is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the

commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 7. PUBLICATION


The Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

SECTION 8. EFFECTIVE DATE


This ordinance shall take effect 30 days following publication by title and summary.


STEVEN W. HUANG, DDS,
MAYOR

ATTEST:


CITY CLERK
ALISON WALKER


APPROVED AS TO FORM:


JOSEPH MONTES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss CITY
OF SAN MARINO)

I HEREBY CERTIFY that the foregoing City of San Marino Ordinance No. O-24-1413 was introduced and read by title at a Regular Meeting of the San Marino City Council held on the 11th day of September, 2024, and was adopted on second reading at a meeting of the City Council held on the 27th day of September, 2024 by the following vote:

AYES: Council Member Lo, Council Member Talt, Vice Mayor Shepherd Romey, and
Mayor Huang
NOES: Council Member Chou
ABSTAIN: None
ABSENT: None


ALISON WALKER
CITY CLERK