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, NBMC section 6.04.055 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 6.04.055 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 6.04.055.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 6.04.055.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.]