

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA ADDING CHAPTER 8.21 OF TITLE 8 OF THE CALISTOGA MUNICIPAL CODE REGARDING LEAF BLOWERS.

Now, therefore, the City Council of the City of Calistoga does ordain as follows:

SECTION 1. CODE AMENDMENT: Chapter 8.21 of Title 8 of the Calistoga Municipal Code is hereby added as set forth in the attached Exhibit "A".

SECTION 2. CEQA: The City Council has considered all of the evidence in the record, including the staff reports, public petition and Green Committee advice, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 3. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or Unconstitutional.

SECTION 4. Rebate Program/Public Education: City staff shall develop a rebate program for those persons or businesses purchasing a leaf blower powered by electricity or battery to comply with this Ordinance. The rebate program shall be reviewed and approved by the City Council prior to implementation. City staff shall also establish a public education campaign regarding this ordinance, including notice to likely leaf blower users or operators of its provisions, means of compliance, and penalties for noncompliance, prior to its effective date.

SECTION 5. Effective Date: This Ordinance shall take effect on July 1, 2022.

SECTION 6. Certification: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the City.

INTRODUCED by the City Council at a regular meeting held on the xxth day of
xxxxxxx 202x.

Exhibit "A"

Chapter 8.21 LEAF BLOWERS

8.21.010 Definitions.

For purposes of this chapter, the terms in this section shall have the following meaning:

A. "Holidays, city-designated" mean those holidays designated as such by the City of Calistoga, including but not limited to: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve, and Christmas Day.

B. "Leaf blower" means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt, and/or debris.

1. "Electrically-powered leaf blower" means any leaf blower, leaf vacuum or other leaf gathering device powered by electric means, including but not limited to battery-powered leaf blowers and cordless rechargeable leaf blowers.

2. "Gas-powered leaf blower" means any leaf blower, leaf vacuum or other leaf-gathering device directly powered by an internal combustion or rotary engine using gasoline, alcohol or other liquid or gaseous fluid. Lawn mowers, lawn edgers and electrically-powered leaf blowers are not included in this definition.

8.21.20 Use of Leaf Blowers – Prohibited.

A. Notwithstanding any other provision in the Calistoga Municipal Code to the contrary, in, on or upon any and all properties and areas within the City's corporate boundaries:

1. It is unlawful for any property owner (including the City) or tenant or any employee, agent or contractor working for a property owner or tenant to operate or authorize the operation of a gas-powered leaf blower at any time for any purpose.

B. Notwithstanding any other provision in the Calistoga Municipal Code to the contrary, in, on or upon any and all properties and areas within the City's corporate boundaries:

1. It is unlawful for any property owner (including the city) or tenant or any employee, agent or contractor working for a property owner or tenant to operate or authorize the operation of any electrically-powered leaf blowers at any time for any purpose except as follows:

a. It shall be lawful to operate and/or authorize the operation of electrically-powered leaf blowers during the following days and hours: Monday through Saturday, 9:00 a.m. to 5:00 p.m., except on city-designated holidays.

2. The operation of leaf blowers shall comply with noise limits set by Chapter 8.20.

C. No leaf blower shall be operated in a manner that directs dust and debris onto any neighboring parcel or public street.

8.21.030 Penalties.

A. A violation of any provision of this chapter shall be subject to administrative enforcement under Chapter 1.08 of this code in addition to any other enforcement remedies available under law and this code. Notwithstanding any provision to the contrary in Chapter 1.08, for purposes of enforcement of this chapter under Chapter 1.08, a “responsible party” shall only include a person who uses or operates, or a property owner or business that permits the use or operation of, a leaf blower in violation of this chapter.

B. A violation of any provision of this chapter shall constitute a public nuisance.

GAS-POWERED LEAF BLOWER ORDINANCE FREQUENTLY ASKED QUESTIONS

1. Why does the City of Calistoga want to control the use of leaf blowers?

The City Council took action in response to a citizen lead petition with over 250 signatures and a formal request by residents for the City to ban gas leaf blowers. After several months of discussion focusing on the environmental reasons, noise, and quality of life concerns associated with operation of gas leaf blowers, the City Council now considers an ordinance to ban gasoline powered leaf blowers after July 1, 2022..

2. Are all leaf blowers prohibited?

No. Only gas-powered leaf blowers are prohibited in the Ordinance. Electric or battery powered leaf blowers are allowed between the hours of 9 A.M and 5 P.M.

3. How does this ordinance address my concerns over noise and dust?

Provisions have been made to the ordinance to assure more responsible use of blower equipment, including limited hours of operation, and required control of dust. The municipal code allows operation of a leaf blower between the hours of 9 A.M. and 5 P.M. The ordinance requires that operation of a leaf blower shall not result in leaves, dirt, debris, or other materials being blown or deposited on any other parcel, land, lot, or public right-of-way on which the leaf blower is being used or operated.

4. How will this ordinance help the environment?

Restrictions on the use of gas-powered leaf blowers in Calistoga will yield multiple environmental benefits. The primary benefit will be a reduction in greenhouse gas emissions that result from the combustion of fossil fuels, in this case, gasoline. In addition, by only allowing electric or battery powered leaf blowers, it is anticipated that there will be decrease in noise levels and a reduction in suspended dust and particulates. Electric and battery-powered blowers generally operate at a lower decibel levels and generate more moderate air speeds.

5. When will proposed restrictions go into effect?

July 1, 2022.

6. How will this ordinance be enforced? Will there be monetary fines for non-compliance?

The City will enforce this ordinance on a complaint-driven basis. Potential violators would be subject to the standard administrative fines and penalties for violation of the municipal code which start with up to \$100 for a first violation, \$200 for a second violation, and \$500 for third

and subsequent violations (Calistoga Municipal Code Section 8.05.120). The violations will be enforced on the operator of the device.

7. How do I report a violation?

To report a violation please call City Hall during business hours (8:00 am to 5:00 pm Monday-Friday) or the Calistoga Police Department at (707) 942-2810 after hours and weekends.

8. What if I am a homeowner and my landscape contractor is using a gas-powered leaf blower?

The intent of the Ordinance is to enforce the ban on the person operating the device. As a homeowner you will want to make your landscape contractor aware of the ban.

9. What if I currently own a gas-powered leaf blower?

Electric and battery powered leaf blowers are available to purchase through a variety of local retailers throughout Napa Valley. The City is offering an incentive to help offset the cost for Calistoga residents and commercial operators with a current City business license, until funds are expended. For more information, please visit <https://www.ci.calistoga.ca.us/>.

10. Who may be eligible for the Leaf Blower Ordinance Incentive Program?

Any resident who provides proof of residency and proof of purchase of an electric or battery powered leaf blower may be eligible for a grant of up to \$150 dollars. Commercial operator and business with a current City of Calistoga business license and meets the application submittal requirements (ie: verified local accounts, on-site staff, etc.) may be eligible for a grant of up to \$350 to help offset the cost of new equipment. For more information, please visit <https://www.ci.calistoga.ca.us/>.

For more detailed answers to questions you may have about the gas leaf blower ban or electric/battery equipment incentive program, contact the Green Committee via email at CalistogaGreen@gmail.com.

LB Outreach Strategies

- Have process details thought through, how this will be implemented, for public, business, council, etc.
- Send letters to landscapers with invitation to a meeting of general discussion of ordinance, include applications for rebate and a notice of a general electric blower demonstration and discussion in a park, Pioneer or other.
- Send applications to landscape businesses
- Flier inserts with Utility Bills w/ bilingual message same as the letters to landscapers (how many?)
- Well written Op-Ed piece in Tribune, Calistogan
- Presentation to Council when ordinance introduced, by a Green Committee member
- Tabling at Farmer's Market, mainly for residents, with info and applications available, i.e. for residential rebates.
- Messaging regarding the new regulations will be distributed via the City's website
- Announcement to Social media channels line NextDoor and Facebook (does Calistoga have a presence on FB?), the Hispanic radio station and a public service announcement on Calistoga's TV station.
- Ask Zach if there is a Spanish speaking public city employee willing to accompany Millie some day to talk to landscapers actively doing their leave blowing work in the neighborhood.
- Press releases and updates with web links pointing to the Ordinance webpage.
- Informational signage placed in strategic locations throughout town.”
- Ask Ace hardware if they are willing to give a discount to purchases? Buyers would have to show proof of application containing a city stamp of approval.
- Solicit donations from Sierra Club and like organizations
- Zach is sending GC the ordinance before the meeting. Also, can individual GC members call another individual member from time to time to discuss GC issues; does Brown Act prohibit?
- Is Sonoma State involved with Climate Literacy in Education curriculum?



Town of Yountville

RESIDENTIAL APPLICATION

Electric or Battery Powered Leaf Blower Purchase Incentive

6550 Yount Street, Yountville, CA 94599

◆707-944-8851

APPLICANT INFORMATION

Individual Name*: _____

Individual Address: _____
Yountville CA 94599

Contact Name (If Different From Above): _____ Phone Number: _____

Contact Email: _____

* If different from above, please specify a check payable name (payee; business or individual) here: _____

INCENTIVE APPLICATION SUBMITTAL REQUIREMENTS

I have purchased: Battery/Electric Leaf Blower Battery/Electric Vacuum

To be considered for an incentive, the following items must be submitted with this APPLICATION:

1. Proof of Purchase of an Electric or Battery Powered Leaf Blower(s)
 - Examples Include (but are not limited to): Receipt, Purchase Order, or Invoice.
 - Purchase date MUST BE AFTER **March 1, 2021**.
 - Proof of Purchase is Required of ALL Applicants.

AND

2. Proof of Town of Yountville Residency (Lease Hold or Ownership Interest)
 - Proof of Town of Yountville Residency is Required of Individual Applicants ONLY
 - Examples include e.g. Driver's License or Utility Bill. (Please note that proof of residency information will not be kept on file, and will only be used to demonstrate program eligibility.)

APPLICATION SUBMITTAL

A completed application, including ALL required documentation may be submitted any of the following ways:

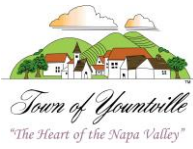
- E-Mail to ETeagarden@yville.com
- Mail or Hand Delivery to: **6550 Yount Street Yountville, CA 94599**

CONDITIONS OF INCENTIVE ACCEPTANCE

Through the submittal of this APPLICATION and/or acceptance of an incentive APPLICANT hereby accepts the following terms.

1. The Electric or Battery Powered Leaf Blower Incentive Program is available to any Yountville Resident or Commercial Operator (as defined in Ordinance 20-498).
2. **Funds will be available until expended.** Rebates will be administered on a first come first served basis for qualified applicants, subject to the maximums defined herein. For qualified applicants, please allow 4-6 weeks for incentive processing.
3. Receipt of incentive funds for purchase of a product through this program does not guarantee compliance with Town of Yountville Ordinance 20-498.
4. The Town of Yountville does not promote, endorse, or require the use of any specific vendor or product.
5. Incentive award amounts are subject to the following conditions:
 - a. Incentive in the amount of \$125 may be issued to Individuals with proof of purchase of battery-electric leaf blower device.
 - b. Incentive in the amount of \$150 may be issued to Individuals with proof of purchase of a battery-electric leaf blower/ vacuum device.

Submitted By (Print Name): _____ Signature: _____ Date: _____



Town of Yountville

COMMERCIAL APPLICATION

Electric or Battery Powered Leaf Blower Purchase Incentive

6550 Yount Street, Yountville, CA 94599

◆ 707-944-8851

APPLICANT INFORMATION

Business Name*: _____

Business Address: _____

Contact Name (If Different From Above): _____ Phone Number: _____

Email: _____

Yountville Business License Number** _____ Expiration Date: _____

* If different from above, please specify a check payable name (payee; business or individual) here: _____

** Business License Number may be found on a valid Town of Yountville Business License.

INCENTIVE APPLICATION SUBMITTAL REQUIREMENTS

To be considered for an incentive, the following items must be submitted with this APPLICATION:

1. Proof of Purchase of an Electric or Battery Powered Leaf Blower(s)

- Examples Include (*but are not limited to*): Receipt, Purchase Order, or Invoice.
- Purchase date MUST BE AFTER **March 1, 2021**.
- Proof of Purchase is Required of ALL Applicants.

2. Provide list of Town of Yountville accounts or Commercial property address.

If HOA account(s) provide:

1. _____
2. _____
3. _____
4. _____

1. Name of HOA _____
HOA Manager _____
2. Name of HOA _____
HOA Manager _____

3. Valid Town of Yountville Business License

- Valid Town of Yountville Business License is REQUIRED for ALL Commercial Operator Applicants.

APPLICATION SUBMITTAL

A completed application, including ALL required documentation may be submitted any of the following ways:

- E-Mail to **ETeagarden@yville.com**
- Mail or Hand Delivery to: **6550 Yount Street Yountville, CA 95499**

CONDITIONS OF INCENTIVE ACCEPTANCE

Through the submittal of this APPLICATION and/or acceptance of an incentive, APPLICANT hereby accepts the following terms.

1. The Electric or Battery Powered Leaf Blower Incentive Program is available to any Person or Commercial Operator (as defined in Ordinance 20-498).
2. **Funds will be available until expended.** Rebates will be administered on a first come first served basis for qualified applicants, subject to the maximums defined herein. For qualified applicants, please allow 4-6 weeks for incentive processing.
3. Receipt of incentive funds for purchase of a product through this program does not guarantee compliance with Town of Yountville Ordinance 20-498.
4. The Town of Yountville does not promote, endorse, or require the use of any specific vendor or product.
5. Incentive award amounts are subject to the following conditions:
 - a. Incentive in the amount of \$200 may be issued to Commercial Operators with 1-3 accounts in town.
 - b. Incentive in the amount of \$350 may be issued to Commercial Operators with 4 or more accounts in town.
 - c. Incentive in the amount of \$350 may be issued to Commercial Properties with own staff on site.
 - d. Incentive in the amount of \$350 may be issued to Commercial Operators serving an HOA.

Submitted By (Print Name): _____ Signature: _____ Date: _____