

ORDINANCE NO. 753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 8, HEALTH AND SAFETY, ADDING CHAPTER 8.21 REGULATING LEAF BLOWERS WITHIN THE CITY OF CALISTOGA

WHEREAS, the Calistoga Green Committee at its regular October 12, 2021 meeting discussed and recommended the proposed municipal code amendments to the Calistoga City Council; and

WHEREAS, the limitations proposed on the use of leaf blowers, specifically restrictions in their allowed hours of use, and the proposed ban on the use of non-electric leaf blowers are in furtherance of the Goals of the Calistoga Climate Action Plan and the Calistoga General Plan; and

WHEREAS, the City of Calistoga has adopted a goal of net-zero carbon emissions by 2030 and this action would be in furtherance of that goal; and

WHEREAS, the proposed ordinance would be in furtherance of Council Goal 6: Create an environmentally sustainable community; and

WHEREAS, on November 2, 2021, City Council held a duly noticed public hearing at which time interested persons had an opportunity to testify in support or opposition to the proposed ordinance; and

WHEREAS, during its review, the City Council considered the public record, including the staff report, findings, and any written materials and testimony presented by the public during the hearing.

NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

Findings: The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this Ordinance.

SECTION TWO

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 THREE

Environmental Review. 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 FOUR

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining 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 thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION FIVE

Rebate Program/Public Education: City staff shall work with the Green Committee to 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 by the City Council prior to implementation. City staff shall also work with the Green Committee to 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 SIX

Effective Date. This Ordinance shall take effect July 1, 2022, and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City Council meeting of the 2nd day of **November 2021**, and was passed and adopted at a regular meeting of the Calistoga City Council on the 16th day of **November 2021**, by the following vote:

AYES: Councilmembers Gift, Kraus, and Williams, Vice Mayor Lopez-Ortega, and Mayor Canning
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Marni Rittburg, CMC, City Clerk

APPROVED:


Chris Canning, Mayor

Dated: 11/22/2021

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, 8:00 a.m. to 7:00 p.m. and Sunday 12:00 p.m. to 4:00 p.m., except on city-designated holidays.

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

3. 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.