

CITY OF SONOMA

RESOLUTION NO. 20 – 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA GIVING NOTICE OF AND ESTABLISHING THE POLICIES AND PROCEDURES FOR A REGULAR ELECTION TO ADOPT OR REJECT CITY COUNCIL ORDINANCE NO. 01-2016 PROHIBITING GAS LEAF BLOWERS AND REGULATING ELECTRIC AND BATTERY-POWERED LEAF BLOWERS IN THE CITY OF SONOMA; AND DIRECTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION ON THE CITY'S BEHALF

**[MUNICIPAL ELECTION]
NOVEMBER 8, 2016**

RECITALS

WHEREAS, by the adoption of Ordinance No. 01-2016, ("Ordinance") an Ordinance of the City Council of the City of Sonoma adding Chapter 9.60 to the Sonoma Municipal Code to Regulate And Prohibit the Use of Leaf Blowers Within the City Limits, the City Council banned the use of all gas leaf blowers within the City's limits while at the same time allowing the continued use of electric and battery-powered leaf blowers subject to certain regulations. By its terms, the ordinance is to be first enforced starting on July 1, 2016; and

WHEREAS, a referendum petition on said Ordinance was circulated and timely submitted to the City on which had been signed sufficient signatures to require the City Council to repeal the Ordinance, submit the Ordinance to the voters at the next regular municipal election, or submit the Ordinance to the voters at a special election; and

WHEREAS, the City Council held a noticed, public hearing on June 27, 2016, to consider calling a special election on the adoption of the Ordinance and at the conclusion of said hearing the Council determined that it should call an election on the referendum to be held at the next regular municipal election, namely, on November 8, 2016; and

WHEREAS, based on all the information presented at the June 27, 2016 meeting, both written and oral, including the staff reports, minutes and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) & (3), 15378(b)(2), and 15061(b)(3) the adoption of this resolution is exempt from the California Environmental Quality Act and that there is no possibility that the adoption of this resolution may have a significant effect on the environment; and

WHEREAS, it is desirable that an election be called for the purposes of permitting the City's voters to determine whether the Ordinance should or should not be adopted; and

WHEREAS, it is desirable that the Elections Department of the County of Sonoma canvas the returns of said special election; and

WHEREAS, the Elections Department of the County of Sonoma requires payment by the City of a reasonable fee to perform the election services of holding the said election and this reasonable fee is related to and based upon the actual cost of conducting the election.

NOW, THEREFORE, the City Council of the City of Sonoma does hereby resolve, declare, determine and order as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. That pursuant to California Elections Code Sections 9241, 9237 and 1410, there is called and ordered to be held in the City of Sonoma, California, on Tuesday, November 8, 2016, an election on the referendum described above.

Section 3. That the City Council, pursuant to its right and authority as established in Elections Code Sections 9237, 9241 and 1410, does order submitted to the voters at the election specified above the following question:

Shall Sonoma City Council Ordinance No. 01-2016 banning the use of gas leaf blowers within the City's limits but permitting the use of electric and battery-powered leaf blowers under specified regulations be adopted?

YES _____

NO _____

Section 4. That should said question be approved by the requisite vote, Ordinance No. 01-2016, a true and correct copy which is attached hereto as **Exhibit A**, shall be adopted.

Section 5. The official ballot to be used at said election shall conform to the laws of the State of California with relation thereto. The Board of Supervisors of the County of Sonoma is requested to order the County Clerk or the County Elections Department to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure,

and to provide absent voters ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law.

Section 6. That the Elections Department of the County of Sonoma is authorized to canvas the returns of said election.

Section 7. That the City Clerk is hereby directed to issue instructions to the Elections Department of the County of Sonoma to take any all steps necessary for the holding of the election.

Section 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Clerk of the County of Sonoma.

Section 9. The City Attorney shall prepare an Impartial Analysis of the ballot measure not to exceed 500 words in length showing the effect of the measure on existing law and the operation of the measure.

Section 10. The City Council authorizes the Registrar of Voters [County Elections Department] to consolidate this election with the established election on November 8, 2016, for the ease and convenience of the registered voters and to take advantage of any cost savings possible by such consolidation.

Section 11. The City Clerk may request the assistance of the Elections Department of the County of Sonoma in regard to said regular municipal election, as the City Clerk deems necessary, and the City shall pay the incurred cost of such assistance.

Section 12. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in the Sonoma Index Tribune, a newspaper of general circulation, printed, published and circulated in the City of Sonoma and hereby designated for that purpose by the Council of Sonoma. The City Clerk may request that the Sonoma County Elections Department prepare and publish the required notice.

Section 13. The City Clerk is authorized, instructed and directed to work with the County Elections Department as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in the form and content as required by law. Thereafter, in accordance with the time prescribed by the Elections Code, the City Council shall declare and cause to be entered in its minutes a statement of the results of the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections; and

Section 14. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 15. This resolution shall be forthwith entered upon the minutes of this Council and kept and maintained by the City Clerk of Sonoma.

Section 16. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. that same day, at which time the polls shall be closed, except as provided by Section 14401 of the California Elections Code. The notice of the time and place of holding the election is hereby given, and the City Clerk is authorized to give further notice of the election, as required by law.

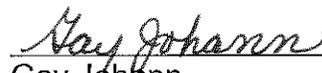
- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 22, 2016.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on September 1, 2016.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

PASSED AND ADOPTED this 27th day of June 2016, by the following vote:

AYES: Hundley, Cook, Gallian, Agrimonti, Edwards
NOES: None
ABSENT: None



Laurie Gallian, Mayor



Gay Johann
Assistant City Manager/City Clerk

CITY OF SONOMA

ORDINANCE NO. 01 - 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY'S LIMITS

- A. WHEREAS**, the purpose of this ordinance is to regulate the use of leaf blowers within the city, so as to prevent the unreasonable and continuous disruption of the community due to associated mechanical noise and the propensity of the devices to broadcast dust and other airborne pollutants into the air and onto nearby properties.
- B. WHEREAS**, the city has previously adopted restrictions on the operation of leaf blowers and now finds that strengthening those restrictions is appropriate.
- C. WHEREAS**, the City Council of the City of Sonoma finds that this ordinance is necessary for the protection of the public health, safety, and welfare.
- D. WHEREAS**, the City Council of the City of Sonoma finds that the amendments made by this ordinance are consistent with the goals and policies of the Sonoma General Plan and other adopted ordinances and regulations of the City of Sonoma.
- F. WHEREAS**, the City Council of the City of Sonoma finds that the adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act under the "general rule", pursuant to Section 15061(b)(3) of the CEQA Guidelines and is also exempt pursuant to Section 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines.

NOW THEREFORE, the City Council of the City of Sonoma does ordain as follows:

Section 1.

Chapter 9.60 is hereby added to the City of Sonoma Municipal Code to read as follows:

CHAPTER 9.60

Sections:

9.60.010	Title.
9.60.015	Declaration of Nuisance
9.60.020	Definitions
9.60.030	Use Restricted
9.60.040	Exemptions
9.60.050	Violations, Penalties

9.60.010 Title.

This chapter shall be known as the "City of Sonoma Leaf Blower Ordinance" and may be so cited.

9.60.015 Declaration of Nuisance.

A violation of this chapter shall constitute a public nuisance and, among other remedies available to the city, may be abated as provided in this code.

9.60.020 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 Sonoma, including: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus 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.

9.60.030 Use Restricted.

A. Notwithstanding any other provision in the Sonoma 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 Sonoma 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 4:00 p.m., except on city-designated holidays.

2. The operation of leaf blowers shall comply with noise limits set by SMC 9.56.050.

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

9.60.040 Exemptions.

The following shall be exempt from the provisions of this chapter:

A. Emergency vehicles and all necessary equipment, including leaf blowers, utilized by emergency responders for the purpose of responding to an emergency, or necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

9.60.050 Violations, penalties.

A. Any violation of this chapter may be enforced either as an infraction or as a misdemeanor, or by any remedy available to the city under this code, or under state law.

B. Notwithstanding the foregoing to the contrary, for a first violation of SMC 9.60.030, the violator shall be provided a written cease and desist warning along with a copy of this chapter.

1. Upon a second violation of SMC 9.60.030 at the same location or by the same person, should the city determine to enforce said section pursuant to SMC Chapter 1.30, a fine or penalty shall be imposed equal to the amount set forth in the Council Resolution adopted pursuant to SMC 1.12.010.D for a first violation. Upon a third violation of SMC 9.60.030 at the same location or by the same person, should the city determine to enforce said section pursuant to SMC Chapter 1.30, a fine or penalty shall be imposed equal to the amount set forth in the Council Resolution adopted pursuant to SMC 1.12.010.D for a second violation, and so on for each succeeding violation of SMC 9.60.030.

2. Upon a second violation of SMC 9.60.030 at the same location or by the same person, should the city determine to enforce said section pursuant to SMC 1.12.010.A, a fine shall be imposed equal to the amount set forth at SMC 1.12.010.A.1. Upon a third violation of SMC 9.60.030 at the same location or by the same person within one year, should the city determine to enforce said section pursuant to SMC 1.12.010.A, a fine shall be imposed equal to the amount set forth in SMC 1.12.010.A.2, and so on for each succeeding violation of SMC 9.60.030 within one year.

C. This chapter may be enforced by any city of Sonoma employee or agent of the city with the authority to enforce any provision of the Sonoma Municipal Code or city ordinance.

Section 2. Section 9.56.050(C) of the City of Sonoma Municipal Code is amended to read as follows:

C. Leaf Blowers. The operation of leaf blowers shall be governed by SMC Chapter 9.60.

Section 3. Section 9.56.020(H) of the City of Sonoma Municipal Code is amended to read as follows:

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

Section 4. Table 2 in section 9.56.050 of the City of Sonoma Municipal Code is amended to read as follows:

Table 2 - Standard Exceptions to General Noise Limits

Type of Activity	Maximum Noise Level	Days/Hours Permitted
Construction and operation of residential power equipment (except for leaf blowers)	70 dBA, as measured from 50 feet of the noise source	Monday-Friday: 8:00 a.m.—6:00 p.m. Saturday: 9:00 a.m.—6:00 p.m. Sunday, city-designated holidays: 10:00 a.m.—6:00 p.m.
Leaf blowers	70 dBA, as measured from 50 feet of the noise source	In all areas of the City, gas-powered leaf blowers are prohibited. In all areas of the City, electrically-powered leaf blowers are prohibited except from Monday through Saturday, 9:00 a.m. to 4:00 p.m., except on city-designated holidays
Outdoor events (with permit or license)	As restricted by permit.	As restricted by permit.
Crush activities	N.A.	Monday-Sunday: 7:00 a.m.—11:00 p.m.
Maintenance and cleaning within Commercial and Mixed Use zones	N.A.	Monday-Friday: 7:00 a.m.—11:00 p.m.
Training activities conducted by emergency services personnel	N.A.	Monday-Friday: 7:00 a.m.—11:00 p.m.

Section 5. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the Sonoma Index Tribute, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption, or publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 7. Effective Date. This ordinance shall become effective thirty (30) days from and after the date of its passage. This ordinance shall be enforced commencing July 1, 2016.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 21st day of March 2016.



Laurie Gallian, Mayor

ATTEST:



Gay Johann
Assistant City Manager/City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Gay Johann, City Clerk of the City of Sonoma, do hereby certify that the foregoing Ordinance was adopted on March 21, 2016 by the following vote:

AYES: Gallian, Cook, Agrimonti
NOES: Edwards, Hundley
ABSENT: None



Gay Johann
Assistant City Manager/City Clerk