

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