

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1671

AN ORDINANCE OF THE CITY OF NOVATO, CALIFORNIA
ADDING SECTION 7-13 (LEAF BLOWER RESTRICTIONS) TO
CHAPTER VII OF THE NOVATO MUNICIPAL CODE AND
FINDING THE AMENDMENTS EXEMPT FROM THE
REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT PURSUANT TO GUIDELINES SECTION
15061(b)(3)

SECTION I. Findings.

The City Council of the City of Novato hereby finds and declares:

WHEREAS, on December 17, 2019, the City of Novato City Council requested staff prepare information for purposes of discussing potential restrictions on the use of leaf blowers and other small gas-powered equipment within the limits of the City; and

WHEREAS, this discussion was held on August 25, 2020 and following that discussion, staff was directed to bring back a possible regulatory framework following outcomes of the California Air Resources Board rule making process, estimated for completion in fall 2020; and

WHEREAS, in the fall of 2020, the Governor signed Executive Order N-79-20, which set more aggressive goals for reducing greenhouse gas emissions from vehicles and small, gas-powered equipment sold in the State, causing the rule making process to re-evaluate previous draft regulations and to complete additional outreach to equipment manufacturers to develop new target horizons for implementation; and

WHEREAS, on May 11, 2021, staff returned to the Council with draft regulations for review; and

WHEREAS, following the May 11, 2021 discussion, a majority of the Council voted to restrict the allowable hours of use of gas-powered leaf blowers; and

WHEREAS, the City Council held a public meeting on June 8, 2021 to introduce and consider these proposed amendments and the public comments thereon.

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

SECTION II. Chapter VII of the City of Novato Municipal Code, entitled “Health” is hereby amended by adding new Section 7-13, entitled “Gas-Powered Leaf Blower Restrictions” to read in its entirety as follows:

7-13.1. Purpose and Intent

The purpose of this Section is to reduce noise impacts of the use of gas-powered leaf blowers on neighboring properties by establishing reasonable hours for their use. Except as provided for in this Section, it shall be unlawful for any person to operate a gas-powered leaf blower used to blow or vacuum leaves, dirt and other debris from any surface at any time within the City limits.

7-13.2. Definitions.

The following words and phrases, whenever used in this section shall have the meanings defined in this section:

a. “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 engine using gasoline, alcohol or other liquid or gaseous fluid.

7-13.3. Restricted Hours for Gas-Powered Leaf Blowers.

It shall be unlawful for any person to operate these devices during the following times:

1. No gas-powered leaf blower may be operated except between the hours of 8 a.m. and 6 p.m. Mondays through Saturdays and between the hours of 10 a.m. and 6 p.m. on Sundays and official federal holidays.

7-13.4. Debris Removal.

It shall be unlawful for any person who operates a leaf blower within the City to allow any leaves, dirt or any other debris to be blown onto adjacent private property, public property, the storm drain system or public right-of-way. All leaves, dirt, or any other debris blown on to public property or in the public right-of-way must be cleaned up and removed immediately.

7-13.5. Violations a public nuisance; penalties, nuisance abatement, and other remedies

Any leaf blower operated contrary to the provisions of this Section shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement thereof, in the manner provided by law. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the City under Sections 1-5, 1-6 and 1-7 of this Code.

SECTION III. CEQA

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text additions without any physical project being approved, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The City Council concurs in these findings and adopts them as its own.

SECTION IV. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION V. PUBLICATION AND EFFECTIVE DATE

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

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption,

or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, 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.

This ordinance shall become effective 30 days after the date of its passage and adoption.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Novato City Council on the 8th day of June, 2021, and was passed and adopted at a regular meeting of the Novato City Council on the 22nd day of June, 2021, by the following vote, to wit:

AYES: Councilmembers Athas, Lucan, Peele, Wernick, Eklund

NOES: Councilmembers

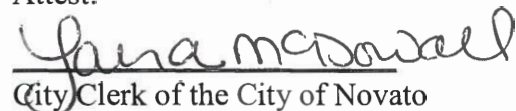
ABSTAIN: Councilmembers

ABSENT: Councilmembers



Mayor of the City of Novato

Attest:


City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

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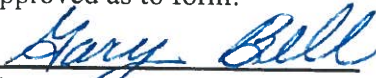
AYES:	Councilmembers	Athas, Lucan, Peele, Wernick, Eklund
NOES:	Councilmembers	
ABSTAIN:	Councilmembers	
ABSENT:	Councilmembers	

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:


City Attorney of the City of Novato