

## **Proper and Accepted Customs and Standards for Operations of Propane Cannons and other Audible Frightening Devices Used Within Napa County Agricultural Lands**

The following criteria define the County's "proper and accepted customs and standards" as described in Napa County Code section 2.94.020 (Right to farm-Conditions) (Standards) for use and operation of propane cannons (commonly referred to as bird cannons) and audible frightening devices. These Standards define the scope of permissible agricultural operations that qualify for the exemption to the County Noise Ordinance set forth in Napa County Code section 8.16.090(E) for "all mechanical devices, apparatus or equipment associated with agricultural operations conducted on agricultural property" (Exemption).

When responding to noise complaints, the Napa County code compliance staff in partnership with the Agricultural Commissioner's Office, shall use these Standards to determine whether the propane cannons or other audible frightening devices<sup>1</sup> (Devices) are being used in a manner to which the Exemption applies.

If code compliance personnel or the Agricultural Commissioner's Office determines that Device operations are not in compliance with these Standards, the operations will not qualify for application of the Exemption. These operations will be addressed by Napa County code compliance personnel in partnership with the Agricultural Commissioner's Office as potential violations of County Code provisions, including but not limited to the County Noise Ordinance set forth in Title 8.16 of the County Code.

### **Standards**

Devices only give short-term results since birds habituate to them after a short time period. Therefore, Devices shall be employed correctly, at the appropriate time-period, and in conjunction with at least one other bird control technique.

Operations of the Devices shall comply with the following standards:

1. Devices are to be used for bird species that are actively causing crop damage in commercial agriculture.
2. Crop damage from birds shall be identified and continually monitored and documented by the property owner or operator to establish and assess the need for Devices as a direct result of damage by bird pests.

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<sup>1</sup> Defined as gas cannons, automatic exploders, electronic noisemakers, sonic noisemakers, bird distress and predator calls, shot gun shells including but not limited to pyrotechnic cartridges and other audible devices including those not listed.

3. Devices shall be monitored and inspected by the property owner or operator to ensure appropriate management practices, as well as in conjunction with other bird control techniques for better efficacy.
4. Devices may be used on agricultural lands, including but not limited to orchards and vineyards, only when fruit and berries begin to change color.
5. Use of Devices is restricted to the following timeframes in the morning and evening:
  - a. In the morning, starting no earlier than 30 minutes prior to sunrise, Devices may operate for up to three hours.
  - b. In the evening, Devices may operate for up to three hours, with no use allowed 30 minutes after sunset.
6. When there are occupied residences and/or occupied animal enclosures in close proximity to the site, Devices shall be positioned a minimum of 600 feet from any residence or occupied animal enclosure (excluding the residence or occupied animal enclosure of the user), with the cannon barrel or speaker box pointed away from the residence and/or animal enclosure. Buffering devices, such as but not limited to hay bales, shall be used to mitigate sound from carrying toward a nearby residence or occupied animal enclosure.
7. No more than one (1) Device shall be allowed for every five acres of land in commercial agricultural production.
8. Whenever possible, Devices shall be moved every 3-5 days so birds do not become habituated to the sound and location. Firing frequency and direction should also be varied for better efficacy.

### **Compliance**

Use of Devices in a manner inconsistent with these customs and standards may be considered to be a public nuisance by Napa County code compliance staff in partnership with the Agricultural Commissioner's Office. In this instance, compliance and enforcement actions may be initiated consistent with County Code, including but not limited to Chapter 1.20 of County Code.