



## **Model Ordinance: Local Government Prohibition on the construction of new gasoline stations (California)**

The model ordinance below is offered by the Coalition Opposing New Gas Stations (CONGAS) as a tool to help local governments (cities and counties) in California in crafting their own ordinance. County and city codes in each jurisdiction are not identical so each ordinance will not be identical.

Any ordinance prohibiting or restricting the permitting or construction of new gasoline stations be kept as simple as possible. Cities and counties may consider including the prohibition of expansion of fueling infrastructure at existing gasoline stations. However, addressing any other fossil fuel-related infrastructure or existing gas station operations introduces complexity, invites controversy, and should be avoided.

**The core language** of any prohibition would be to this effect: *“Effective immediately upon adoption of this ordinance, [name of city/county] will no longer accept applications for the construction of new gasoline stations, or for the expansion of fueling infrastructure at existing gas stations. This ordinance prohibits the construction of new gasoline stations or the expansion of existing gasoline station infrastructure in (name of city/county).”*

*This does not apply to any new gasoline station application which is complete at the time the ordinance is passed.*

### **The “WHEREAS” clauses:**

Local Governments will tailor these to their own circumstances, but below are some to consider:

WHEREAS, Abrupt anthropogenic climate change is a real and increasingly urgent threat to public health and safety that demands action at every level of government, and [city/county] has a well-established commitment to taking local action in order to do its part in helping to address the global climate crisis; and

WHEREAS, on [date], [name of city/county] adopted a Climate Emergency Resolution, and new gasoline stations are not consistent with this policy; and

WHEREAS, On September 23, 2020, Governor Newsom issued [Executive Order N-79-20](#) setting 2035 as the year by which all new vehicles sold in California must be zero-emission; and

WHEREAS, On September 12, 2018, Governor Brown issued, and Governor Newsom has since affirmed, [Executive Order B-55-18](#), calling for the State to achieve carbon neutrality by 2045 and subsequently called for full economic decarbonization no later than 2045. This very ambitious goal means that local governments must take action immediately to reduce

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greenhouse gas (GHG) emissions and avoid prolonging dependency on fossil fuel infrastructure into the future, for example by permitting new gasoline stations; and

WHEREAS, In January 2018, Governor Brown issued [Executive Order B-48-18](#) calling for five million zero-emission vehicles by 2030 and the installation of 250,000 electric vehicle (EV) charging stations in the State; and

WHEREAS, Consequences of anthropogenic climate disruption have already severely impacted the lives, health, and livelihoods of nearly every family and business in [city/county], driven by a devastating increase in drought, wildfire, flooding, evacuations, electric power-shutoff episodes, extreme heat events, and other anomalous disruptions; and

WHEREAS, Climatic disruptions are increasing globally with [2020 tied with 2016 as the hottest year ever recorded](#) for global average temperature; and

WHEREAS, Transportation accounts for [x%] of GHG emissions in [city/county name] with the burning of gasoline and diesel fuel for transportation as the leading cause of GHG emissions in this sector; and

WHEREAS, Gasoline stations pose significant local impacts on public health and the environment. This includes toxic/carcinogenic air contamination, surface water runoff, leaking underground storage tanks, and more. These issues are well documented in Coltura's ["Governing the Gasoline Spigot: Gas station regulation and the transition away from gasoline"](#); and

WHEREAS, New gasoline stations frequently add to local traffic congestion and safety issues; and

WHEREAS, Fossil fuel use imposes deep and long-standing racial injustice. In every drop that comes out of a gasoline dispenser, there is a trail of devastation for communities of color and the environment around the world that leads all the way back to the point of extraction of the crude oil from the ground in places like Nigeria, Ecuador, and Kern County California. Low income communities of color in the US and around the world, "frontline communities" are poisoned and/or displaced by effluent and emissions from these operations; low income communities along rail and roadways are threatened by the hazard of oil and gas transportation; similar historically disadvantaged communities of color near refineries and gas processing facilities, "fenceline communities," face respiratory disorders, cancer, and death rates much higher than the national average. Indigenous communities around the world are severely impacted by pumping and pipelines; and

WHEREAS, Currently there are ~800,000 electric vehicles (EVs) in California and [~x number of EVs] in [name of city/county]. With the rapid rise of practical and affordable EVs, and many new models becoming available on a regular basis, the need for charging infrastructure will inevitably grow as the need for gasoline stations diminishes. [name of city/county] should encourage and

support private sector investments based on clear trends that indicate that any new gasoline or diesel capacity added in the 2020s is likely to be abandoned as unprofitable in a few short years; and

WHEREAS, New gasoline stations have been and are continuing to be proposed in [name of city/county]; and

WHEREAS, Outdated 20th century permitting rules continue to enable new gasoline stations to be permitted despite countervailing state and [city/county] climate policy and energetic community opposition; and

WHEREAS, there is an abundance of gasoline stations in [city/county] with no demonstrated need for any new gasoline stations in [city/county]; and

WHEREAS, limited [city/county] staff time, money and resources are wasted processing new gas station applications and potentially responding to public opposition to them; and

WHEREAS, limited [city/county] resources should be used instead to develop clean-emission, affordable, accessible, convenient public transportation networks; safe, connected, pedestrian and bicycling infrastructure; and clean vehicle charging/fueling infrastructure;

THEREFORE, Be it RESOLVED, that [city/county] Effective immediately upon adoption of this ordinance, [name of city/county] will no longer accept for processing or permitting any applications for new gasoline service stations or expansion of existing gasoline service station infrastructure...[city/county to add any specific actions that must be taken to resolve permissions embedded in existing code]