

Takoma Park City Council Meeting – February 21, 2024 Agenda Item 4

Work Session

Discussion of Amending the City Code to Add a Ban on Combustion Engine-Powered Leaf Blowers

Recommended Council Action

Hold a work session on proposed ordinance amending the City Code to ban the sale and use of combustion engine-powered lawn equipment and provide guidance to staff regarding additional necessary modifications. Specifically, Council should confirm acceptance or provide policy guidance on the following:

- Effective date (Section 14.12.080.B)
- City residents' access to County reimbursement programs (Section 14.12.080.E)
- Conditions for which a notice of violation is not required prior to the issuance of a municipal infraction citation for the use of a combustion leaf blower (Section 14.12.130.C.3)

Additions to the Code are underlined in the attached draft ordinance.

Context with Key Issues

On September 26, 2023, the Montgomery County Council enacted Bill 18-22: Noise Control – Leaf Removal Equipment – Amendments. The bill amended the County's noise control code (Section 31B) to prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums.

Since the City of Takoma Park exempts itself from the provisions of Section 31B of the Montgomery County Code, an Ordinance is required to amend Chapter 14.12 (Noise Control) of the Municipal Code if the City Council wishes to require a similar ban on combustion engine-powered lawn equipment in the City.

The proposed Ordinance is substantively similar to County Bill 18-22 and makes the following amendments to the Code:

- Bans the use of combustion engine-powered leaf blowers and leaf vacuums effective July 1, 2025;
- Outlines a process for issuing a notice of violation or municipal infraction based on receipt of a noise complaint and photographic evidence of the use of banned lawn equipment.

The proposed effective dates in the ordinance mirror the effective dates in Montgomery County Bill 18-22. Unlike the County bill, the proposed Ordinance does not include a potential reimbursement program to assist residents and businesses with the cost of replacing combustion engine-powered equipment with electric equipment. However, it does not preclude City residents from taking advantage of any program established by Montgomery County.

Council Priority

Environmentally Sustainable Community

Environmental Considerations

Based on a 2015 study from the US Environmental Protection Agency, gasoline-powered lawn equipment is a large source of localized nonroad gasoline emissions that can include hazardous air pollutants and other contributors to climate change.

Fiscal Considerations

In order to effectively implement the Ordinance, the Code Enforcement Division will allocate outreach and education funding to publicize the impended ordinance changes and provide additional technical assistance to impacted property owners and stakeholders.

Racial Equity Considerations

Per the Montgomery County Office of Legislative Oversight's Racial Equity and Social Justice Impact Statement on County Bill 18-22, a ban on combustion engine-powered lawn equipment could narrow racial and social disparities due to the benefits of encouraging electric lawn equipment and the County's proposed rebate program, which City residents would be eligible to use.

Attachments and Links

- Draft Ordinance
- County Council Bill 18-22 Noise Control Leaf Removal Equipment-Amendments
- https://www.epa.gov/sites/default/files/2015-09/documents/banks.pdf
- <u>https://pirg.org/maryland/foundation/resources/lawn-care-goes-electric/</u>

Bill No.	18	3-22		
Concerning:	Noise	Control	_	Leaf
Remova	l Equipm	nent - Am	endme	nts
Revised: 0	9/27/202	<u>23</u> Dr	aft No.	5
Introduced:	June	28, 2022		
Enacted:	Septe	ember 26	, 2023	
Executive:	-			
Effective:				
Sunset Date:	None	•		
Ch , Law	vs of Mo	nt. Co.		

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum;
- (3) exempt from the prohibition against use of gas leaf removal equipment for agricultural producers;
- (4) require an annual report by the Department of Environment; and
- (5) generally[[, revise]] <u>amend</u> the law regarding noise control.

By amending

Montgomery County Code Chapter 31B, Noise Control Sections 31B-9<u>, 31B-10</u>, and 31B-12

Boldface <u>Underlining</u> [Single boldface brackets] <u>Double underlining</u> [[Double boldface brackets]]	Heading or defined term. Added to existing law by original bill. Deleted from existing law by original bill. Added by amendment. Deleted from existing law or the bill by amendment. Evicting law unaffected by bill.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec.	1. Sections 31B-9 <u>, 31B-10,</u> and 31B-12 are amended as follows:
2	31B-9. [Le	afblowers] <u>Leaf removal equipment</u> .
3		* * *
4	<u>(e)</u>	Sale of combustion leaf removal equipment – prohibited. A person must
5		not sell or offer for sale a combustion engine-powered handheld,
6		<u>backpack, or walk-behind leaf blower or leaf vacuum.</u>
7	<u>(f)</u>	<u>Use of combustion leaf removal equipment – prohibited. A person must</u>
8		not use a combustion engine-powered handheld, backpack, or walk-
9		<u>behind leaf blower or leaf vacuum.</u>
10	<u>(g)</u>	Reimbursement. Subject to an appropriation by the County
11		Council,[[The]] the Director [[may]] must establish a time-limited
12		program based on criteria set by regulation to partially reimburse County
13		residents and businesses that purchase electric leaf blowers or leaf
14		vacuums [[to replace combustion engine-powered leaf blowers or leaf
15		vacuums]].
16	[[<u>(1)]</u>	<u>(h)</u> <u>Application for reimbursement.</u> To receive reimbursement under
17		subsection (g), [[an owner of a combustion engine-powered leaf blower
18		or leaf vacuum]] an applicant must apply to the Director in a form
19		prescribed by the Director [[and deliver the combustion engine-powered
20		<u>leaf blower or leaf vacuum to the County]].</u>
21	<u>(i)</u>	<u>Regulations.</u> Not later than March 30, 2024, the County Executive must
22		transmit to the Council Method (1) regulations to establish the
23		reimbursement program under subsection (g).
24	[[<u>(h)]] (j)</u>	An enforcement officer may issue a civil citation under this Section if the
25		Director receives a complaint of a noise disturbance supported by
26		photographic evidence of a violation of subsection (f).

27	<u>(k)</u>	Annual reporting. By February 1 of each year, the Director must submit
28		to the Council an annual report for the preceding year on the successes or
29		challenges of the reimbursement program, outreach activities, statistical
30		data related to enforcement, new technology trends for electrification of
31		lawn care equipment, and any recommended changes to the law or
32		operating budget. The Council may request the Director to provide
33		additional information, as needed.
34	31B-10. Ex	emptions.
35		* * *
36	<u>(c)</u>	Section 31B-9 of this Chapter does not apply to agricultural producers
37		located on agriculturally assessed properties where farming or
38		agricultural use and activities are permitted under Article 59, Section
39		3.2.6 of the Zoning Ordinance.
40	31B-12. En	forcement and penalties.
41		* * *
42	(f)	Except as provided in Section [[31B-9(h)]] 31B-9(j), [An] an
43		enforcement officer may issue a civil citation for any violation of this
44		Chapter if the enforcement officer:
45		(1) witnesses the violation; or
46		(2) receives complaints from at least 2 witnesses of a noise
47		disturbance.
48		Complaints by 2 witnesses are required to issue a citation under
49		paragraph (2), but are not required to prove that a person violated this
50		Chapter.
51		* * *
52	Sec.	2. Effective date; staggered implementation. The prohibition against
53	sales under	subsection (e) of Section 31B-9, added_under Section 1 of this Act, must

take effect [[6 months after the Act becomes law]] on July 1, 2024. The prohibition 54 against use under subsection (f) of Section 31B-9, added under Section 1 of this Act, 55 must take effect [[1 year after the Act becomes law]] on July 1, 2025. [[Subsection (g) 56 of Section 31B-9, under Section 1 of this Act, must apply reimbursement only for 57 purchases of combustion engine-held leaf blowers or leaf vacuums made before this 58 Act becomes law.]] 59 60 Sec. 3. Required notices. On or after the effective date of this Act and before the effective date of the prohibition against sales under this Act, a person who sells, at 61 retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower 62 or leaf vacuum in the County must provide conspicuous notice to the consumer that 63

64 the leaf blower usage will be prohibited in the County.

Approved:

En

Evan Glass, President, County Council *Approved:*

Marc Elrich, County Executive This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

September 26, 2023

Date

Date

Date