



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 impending 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>
- <https://pirg.org/maryland/foundation/resources/lawn-care-goes-electric/>

Bill No. 18-22
Concerning: Noise Control – Leaf
Removal Equipment - Amendments
Revised: 09/27/2023 Draft No. 5
Introduced: June 28, 2022
Enacted: September 26, 2023
Executive: _____
Effective: _____
Sunset Date: None
Ch. , Laws of Mont. 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~~ly~~, ~~revise~~ amend the law regarding noise control.

By amending

Montgomery County Code
Chapter 31B, Noise Control
Sections 31B-9, 31B-10, and 31B-12

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

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

54 take effect ~~[[6 months after the Act becomes law]]~~ on July 1, 2024. The prohibition
55 against use under subsection (f) of Section 31B-9, added under Section 1 of this Act,
56 must take effect ~~[[1 year after the Act becomes law]]~~ on July 1, 2025. ~~[[Subsection (g)~~
57 ~~of Section 31B-9, under Section 1 of this Act, must apply reimbursement only for~~
58 ~~purchases of combustion engine-held leaf blowers or leaf vacuums made before this~~
59 ~~Act becomes law.]]~~

60 **Sec. 3. Required notices.** On or after the effective date of this Act and before
61 the effective date of the prohibition against sales under this Act, a person who sells, at
62 retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower
63 or leaf vacuum in the County must provide conspicuous notice to the consumer that
64 the leaf blower usage will be prohibited in the County.

Approved:


Evan Glass, President, County Council

September 26, 2023

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date