

# ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

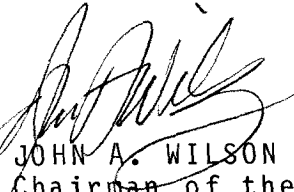
NOTICE

D.C. LAW 9-135

"District of Columbia Noise Control  
Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-51 on first and second readings, April 7, 1992, and May 6, 1992, respectively. The legislation was deemed approved without the signature of the Mayor on May 29, 1992, pursuant to Section 404(e) of "the Act", and was assigned Act No. 220, published in the June 12, 1992, edition of the D.C. Register, (Vol. 39 page 4079) and transmitted to Congress on June 1, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-135, effective July 23, 1992.

  
JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,  
29,30

July 1,2,7,8,9,20,21,22

AN ACT

Codification

District of Columbia Code

D.C. ACT 9-220

(1993 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 1992

To amend the District of Columbia Noise Control Act of 1977 to prohibit the operation, sale, offer for sale, or use of certain leaf blowers that exceed prescribed noise standards of the act and to require that retailers who sell certain leaf blowers provide notice to consumers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Noise Control Amendment Act of 1992".

Sec. 2. The District of Columbia Noise Control Amendment Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR 3000 *et seq.*) is amended as follows:

DCMR

(a) Section 3 (20 DCMR 3099) is amended by adding a new subsection (f-1) to read as follows:

"(f-1) Leaf blowers - Any portable device or machine that is gasoline or electric powered and which is designed or intended, by generating a concentrated stream of air to blow, dispel, or make airborne, leaves, grass cuttings, paper, trash, or any other type of unattached debris or material. The term includes those devices or machines that accept vacuum attachments."

(b) Section 5(c)(2) (20 DCMR 3004.6) is amended by adding the phrase "excluding leaf blowers," after the phrase "power garden devices".

(c) Section 5(d) (20 DCMR 3100 *et seq.*) is amended by adding a new paragraph (6) to read as follows:

"(6) Leaf Blowers.

"(A) Except as provided under subparagraph (B) of this paragraph, no person shall sell, offer for sale, or use, at any time, a leaf blower in the District of Columbia that has an average sound level exceeding 70 dB(A) at a distance of 50 feet from the leaf blower as measured in accordance with subparagraph (E) of this paragraph. A leaf blower shall not be used at nighttime, between the hours of 8:30 p.m. and 8:00 a.m., in the District of Columbia.

"(B) Upon the effective date of the District of Columbia Noise Control Amendment Act of 1992 ("1992 act"), a person who sells, at retail, a leaf blower in the District of Columbia that exceeds the maximum sound level established in subparagraph (A) of this paragraph

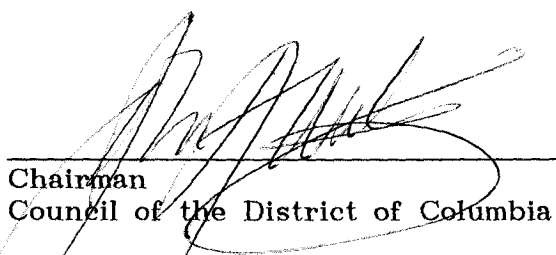
must provide conspicuous notice to the consumer that the leaf blower may not be used in the District of Columbia.

"(C) A person who purchased a leaf blower prior to the effective date of the 1992 act, or who can demonstrate that the leaf blower was manufactured prior to the effective date of the 1992 act, may use that leaf blower for the next 5 years, even though its average sound level exceeds the standard established in subparagraph (A) of this paragraph, if its use is otherwise permitted by this act.

"(D) In addition to any other enforcement measure authorized under this act, the Mayor may inspect and, upon request, require a person to produce any leaf blower that is sold, offered for sale, or used, in order to determine compliance with this act. The Mayor shall use, to the extent possible, a manufacturer's written sound level representations, design and use specifications, and approximate manufacture date, as appropriate, as aids to determine compliance. A person who in good faith relies on a manufacturer's written sound level representation is not subject to penalties under section 13 for violation of this act.

"(E) Compliance with sound level requirements of this act shall be determined in accordance with a sound measurement testing standard for leaf blowers that has been deemed by the Mayor to be acceptable and adopted by regulation."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

DEEMED APPROVED WITHOUT  
SIGNATURE UPON EXPIRATION  
OF 10-DAY MAYORAL REVIEW PERIOD.  
\_\_\_\_\_  
NOT SIGNED

\_\_\_\_\_  
Mayor  
District of Columbia

May 29, 1992



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-51

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 4-7-92

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Duplis /me/  
Secretary to the Council

May 12, 1992  
Date

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 5-6-92

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Duplis /me/  
Secretary to the Council

May 12, 1992  
Date

☐ Item on Consent Calendar

☐ ACTION & DATE: \_\_\_\_\_

☐ VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Secretary to the Council

Date