



Medford City Council
Medford, Massachusetts

Committee of the Whole, February 21, 2024

City Council

Isaac B. "Zac" Bears
Anna Callahan
Kit Collins
Emily Lazzaro
Matt Leming
George A. Scarpelli
Justin Tseng

This meeting will take place at 6:00 P.M. in the City Council Chamber on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/84771828110>

Call-in Number: +16469313860,,84771828110#

Broadcast Live: Channel 22 (Comcast), Channel 43 (Verizon), and medfordtv.org.

To submit written comments, please email AHurtubise@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

21-057 - Offered by Former Council President Morell and President Bears

Leaf Blower Ordinance

PAPERS IN COMMITTEE

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

February 21, 2024

SPONSORED BY

AGENDA ITEM

21-057 - Leaf Blower Ordinance

FULL TEXT AND DESCRIPTION

To: City Council Members
From: Zac Bears, Council President
Date: January 31, 2024
Re: Leaf Blower Ordinance - Major Revision/Draft #3

Summary of Changes

Based on the votes taken at the Committee of the Whole meeting on November 15, 2023, I have updated the draft Leaf Blower Ordinance and sent it to the administration for legal review. The updated draft with legal comments is attached.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Leaf Blower Ordinance Draft #3 with Legal Comments



ISAAC B. "ZAC" BEARS
President

City of Medford

OFFICE OF THE CITY COUNCIL

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Medford, Massachusetts 02155

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625 Fellsway West
Medford, MA 02155

Contact
781-391-5623
ibears@medford-ma.gov

To: City Council Members
From: Zac Bears, Council President
Date: January 31, 2024
Re: Leaf Blower Ordinance - Major Revision/Draft #3

Summary of Changes

Based on the votes taken at the Committee of the Whole meeting on November 15, 2023, I have updated the draft Leaf Blower Ordinance and sent it to the administration for legal review.

Proposed Ordinance

CHAPTER 38 – ENVIRONMENT

ARTICLE V. - REGULATIONS ON THE USE OF LEAF BLOWERS

Sec. 38-55. - Short title.

This article may be cited as the "Leaf Blower Ordinance."

Sec. 38-56. - Purpose and intent.

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers, and the reduction of the use of gasoline and oil-based fuels and the reduction of carbon emissions into the environment are the public purposes of this Leaf Blower Ordinance for the City of Medford and its residents.

In light of such public interests for the City, this Ordinance shall limit and regulate the use of leaf blowers as defined and set forth below.

Sec. 38-57. - Definitions.

Commercial leaf blower operator is any ~~any~~ person or business, including but not limited to sole proprietorship, partnership, limited liability company, corporation, or other entity, organization, or arrangement who receive income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

Electric leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by ~~fuel~~, battery or electricity, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Gas-powered leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by fuel, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Owners of large property (OLP) are property owners, including, but not limited to, corporations and condominium or homeowners' associations, who own one or more adjoining parcels of land in common ownership that together comprise a total of two acres or more.

Sec. 38-58. - General regulations on the use of leaf blowers.

1. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency.
2. The use of leaf blowers shall not be permitted for more than one continuous hour a day in the City at any particular property.
3. On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.
4. Leaf blower operations shall not cause leaves, dirt, dust, rodent, dog or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated.
5. In no event shall leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown, ~~swept or raked~~ onto or into catch basins or onto vehicles, persons or pets.
6. Deposits of leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of in a sanitary manner which will prevent it from being dispersed by wind, vandalism or similar means.
7. No person or business shall operate any leaf blower, including but not limited to wheeled, portable, handheld or backpack style equipment, powered by fuel, battery or

Commented [KC1]: This prohibition on sweeping/raking does not appear elsewhere in the Ordinance. Is the intention to prohibit only those people using leaf blowers who incidentally sweep and rake?

Commented [JMA2]: In our opinion, this provision may be difficult to enforce. You may wish to consult with the Building Commissioner regarding same.

Commented [JMA3]: By whom? Property owner, resident, commercial leaf blower?

Commented [JMA4]: Please define.

electricity, within the City at any time, in either public or private settings, for the purpose of dispersing, gathering, collecting, or otherwise removing masonry or other construction dust or debris.

Sec. 38-59. - Regulations on the use of leaf blowers by municipal operators, municipal contractors, commercial operators, and owners of large property.

1. The use of electric leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. Commercial leaf blower operators, municipal operators, municipal contractors and OLP shall adhere to applicable OSHA requirements with respect to the use of personal protective equipment (PPE).
4. Commercial leaf blower operators, municipal operators, municipal contractors, and OLP shall submit an operations plan by [date] to the Building Commissioner, or designee, for review and approval.
 - 4.1. The operations plan shall be reviewed by the Building Commissioner, or designee, who shall ensure that it complies with the applicable provisions of this ordinance, and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this ordinance and regulations promulgated hereunder. At a minimum, the operations plan shall:
 - 4.1.1. Address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon operators of the leaf blowers and the occupants and owners of nearby property;
 - 4.1.2. Include an inventory of all leaf blowing equipment owned and to be used by the owner or operator, which shall comply with the noise and emission restrictions set forth in this ordinance, and regulations promulgated hereunder; and
 - 4.1.3. Include the owner's or operator's plan for educating users of its equipment on safety precautions for users, the proper use of equipment, and the need to mitigate impacts upon others.
 - 4.2. Commercial leaf blower operators and OLP shall pay a fee upon submission of an operations plan sufficient to cover the cost of review and approval of the operations plan. The Building Commissioner or designee shall have the authority

Commented [KC5]: How often is this required? Do operators need to resubmit each year, when they have a new property, etc.?

Commented [JMA6]: Any such fee must be reasonable in compliance with the Emerson College test to cover applicable administrative costs.

to set the fee cost and the discretion to issue fee waivers.

5. The provisions of this section do not apply to the use of leaf blowers by municipal operators, municipal contractors, or OLP performing leaf blower operations as necessary to maintain the warranty or safety of a rubberized or similar surface, performing emergency operations and clean-up associated with events, including, but not limited to, special events, storms, hurricanes and the like, so long as OLP comply with the provisions Section 38-58.3.

Sec. 38-60. - Regulations on the use of leaf blowers by residents on the property at which they reside.

1. The use of electric leaf blowers by residents on the property at which they reside is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by residents on the property at which they reside is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. The limitations set forth in Sec. 38-60 shall not apply to de minimus use of an electric leaf blower, or a gas-powered leaf blower prior to March 15, 2028, not in compliance with sections 38-34 and 38-37 by an individual on the property at which they reside. For purposes of this subsection, "de minimus" shall mean not more than an aggregate of 10 minutes per day.

Sec. 38-61. - Phase out of gas-powered leaf blowers.

1. Effective March 15, 2026, the use of all gas-powered leaf blowers by commercial leaf blower operators and OLPs in the City shall be prohibited.
2. Effective March 15, 2028, the use of all gas-powered leaf blowers by municipal operators, municipal contractors, and residents on the property at which they reside shall be prohibited.
3. The use of wheeled leaf blowers powered by four-stroke engines on properties larger than one acre is not subject to the prohibitions in this section.

Sec. 38-62. - Enforcement.

1. The Building Department shall enforce this ordinance. Violations of this article shall be punishable by fines and penalties as provided in this subsection, and in accordance with G.L. c. 40, §21D. Any person may register a complaint to initiate an investigation and enforcement with the Building Department.

2. Violation of this ordinance, or of any regulation adoption hereunder, may be enforced through any lawful means in law or in equity by the Building Commissioner, or designee, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute separate violation.

Violations of this ordinance shall be imposed as follows:

First offense:	Written warning
Second offense:	\$100
Third offense (or more):	\$200 per offense

3. All fines collected under this section shall be placed in a special revenue fund for the purposes of further enforcement of this ordinance.

Sec. 38-63. - Regulations.

The Building Department shall have the authority to promulgate regulations to implement the provisions of this ordinance.

Sec. 38-64. - Effective date.

The provisions of this ordinance shall be effective on July 1, 2024, except as to City of Medford contracts now in effect.

Sec. 38-65. - Severability.

The provisions of this section are severable. If any subsection, provision or portion of this section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall continue to be valid.

Secs. 38-66—38-99. - Reserved.

Commented [JMA7]: Please confirm.

Commented [JMA8]: For further review and discussion with the Finance Director/Administration with respect to municipal finance principles and enforcement.

Commented [JMA9]: Please note that private businesses may be in annual contracts which may be impacted by this Ordinance given the effective date.