

ATTACHMENT A

LEAF BLOWER ORDINANCE PROPOSED SUBSTITUTE AS AMENDED 11/19/07

A new Section 8.16.081 entitled Leaf Blowers shall be added to Chapter 8.16:

8.16.081 Leaf Blowers

8.16.081.1 Statement of purpose. The City Council hereby finds that the reduction of noise and emissions of particulate matter resulting from the use of leaf blowers is a public purpose that protects the public health, welfare and environment of the City of Cambridge and its citizens. The City Council recognizes that a total ban on the use of such equipment would have a severe adverse impact on the ability of the City to effectively remove leaves, dust, dirt, grass clippings, cuttings and trimmings from trees, shrubs and other types of litter and debris from streets, sidewalks, cemeteries and large recreational facilities and other open spaces and to clean and maintain such facilities without relaxing restrictions on the use of such equipment for maintenance operations of such facilities.

8.16.081.2 Use Regulations. The use of leaf blowers shall be regulated as follows:

1. *Definitions.*
 - a. *Definition of leaf blower.* Leaf blowers are defined as portable, handheld or back pack style power equipment that is powered by fuel 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.
 - b. *Definition of commercial leaf blower operator.* Any person, entity or organization that receives income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower or leaf vacuum, except that municipal operators and municipal contractors are excluded from this definition.
2. *Limitations on use.*
 - a. The use of leaf blowers is prohibited except between March 15 and June 15 and between September 15 and December 31 in any year. The provisions of this subsection do not apply to the use of leaf blowers by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like in accordance with the provisions of this section and regulations promulgated hereunder.
 - b. The use of leaf blowers is further prohibited on Sundays and legal holidays and prohibited on other days except between the hours of 9:00 a.m. and 5:00 p.m.

The provisions of this subsection do not apply to the use of leaf blowers by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground or performing emergency operations and clean-up associated with storms, hurricanes and the like in accordance with the provisions of this section and regulations promulgated hereunder.

- c. Commercial leaf blower operators shall not be permitted to operate leaf blowers, but may be exempted from the provisions of this sub-section if they submit an operations plan to the City Manager or his designee for review and approval. At a minimum, the operations plan shall: address the owner's efforts to mitigate the impacts of noise and emissions upon citizens and the occupants and owners of nearby property, include an inventory of all leaf blowing equipment owned and to be used by the owner in its operations program, which shall comply with the noise and emission restrictions set forth in this section and regulations promulgated hereunder, and include the owner's plan for educating users of its equipment on the proper use of equipment as well as the need to mitigate impacts upon others. The operations plan shall be reviewed by the City Manager or his designee, who shall ensure that it complies with the applicable provisions of this section and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner to comply with the provisions of this section and regulations promulgated hereunder.
 - d. Leaf blower operations shall not cause leaves, dirt, dust, 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 except by municipal employees or municipal contractors during municipal street and sidewalk sweeping and cleaning operations. Litter or debris shall not be blown, swept or raked onto or into an adjacent street or gutter except by municipal employees or municipal contractors during municipal street and sidewalk sweeping and cleaning operations or into catch basins or onto vehicles, persons or pets. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner which will prevent dispersment by wind, vandalism or similar means.
 - e. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency and noise level standards as follows: the sound emitted from any leaf blower or leaf vacuum shall be rated by the manufacturer to be no greater than 65 decibels.
3. *Fees.* A fee for the City to recover all costs connected with emission or sound testing and enforcement may be charged in an amount set by the License Commission and approved by the City Manager.
 4. *Regulations.* The License Commission shall have the authority to promulgate regulations to implement the provisions of this section.

5. *Enforcement Officials.* In addition to the Police Commissioner, the Commissioner of Inspectional Services Department and the Chairperson of the License Commission as provided in section 8.16.040 of this Chapter, the Commissioner of Public Works shall be authorized enforcement personnel charged with the enforcement of this section pursuant to the provisions of section 8.16.040 of this Chapter.
6. *Severability.* The provisions of this Chapter are severable. If any section, provision or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid.
7. *Effective Date.* The provisions of this Ordinance shall be effective commencing on March 1, 2008 except as to City of Cambridge contracts now in effect, as to which the provisions of this Ordinance shall be effective commencing on September 1, 2008.

ATTACHMENT B

LEAF BLOWER ORDINANCE

ADDITIONAL AMENDMENTS REQUESTED BY CITY COUNCILLORS (11/19/07)

1. In Section 8.16.081, subsection 8.16.081.2.2(e), add the words “as measured at 50 feet” at the end of the sentence.

(Councilor Kelley)

2. In subsection 8.16.081.2.2. add a new section (f) as follows:

- f. On parcels of 10,000 square feet or larger, 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.

(Councilor Murphy)

3. In subsection 8.16.081.2, add a new subsection 8.16.081.2.3 as follows, and renumber subsections 4-7 to be subsections 5-8:

3. Education and Certification.

- a. Each leaf blower operator, or in the case of a company, the company’s owner or his or her representative is required to complete not less than one training session of content and time approved by the License Commission prior to operation of leaf blower equipment. Training and qualification shall be required for certification, which shall be required by the License Commission at least every two years for each operator or company.

- b. The leaf blower operator or company shall maintain certification of the training and qualification at all times during equipment use and make it available upon demand. Failure to abide by the use requirements contained in this Ordinance and/or the certification training provided will be cause for the License Commission to revoke such certification.

- c. Exception: An individual residential property occupant operating a single leaf blower himself or herself in a manner confined to his or her own property shall be exempted from the education and certification requirements set forth in this subsection.

(Councilor Davis)

ATTACHMENT C

LEAF BLOWER ORDINANCE

ADDITIONAL AMENDMENTS REQUESTED BY CITY MANAGER (12/03/07)

1. In Section 8.16.081. subsection 8.16.081.2.1(a) in the first line, after the word "any", delete the word "person" and add after the word "organization" "that employs five (5) or more employees".
2. In subsection 8.16.081.2.2(a), in the seventh line, after the words "Old Burial Ground" add the words "or owners of one or more adjoining parcels of land that together comprise a total of two acres or more".
3. In subsection 8.16.081.2.2(b), in the second line, after the words "legal holidays" add the words "except Columbus Day and Veteran`s Day".
4. In subsection 8.16.081.2.2(b), in the third line, delete the words "9:00 a.m." and replace with the words "8:00 a.m."
5. In subsection 8.16.081.2.2(b), in the eighth line. after the words "Old Burial Ground" add the words "or owners of one or more adjoining parcels of land that together comprise a total of two acres or more".
6. In subsection 8.16.081.2.2(c), in the second line, after the words "commercial leaf blower operators" add the words "and owners of one or more adjoining parcels of land that together comprise a total of two acres or more".
7. In subsection 8.16.081.2(d), in the sixth line. after the words "municipal employees or municipal contractors" add the words "or leaf blower operators placing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs on a municipal street or sidewalk for collection and pick-up".
8. In subsection 8.16.081.2.4, in the first line, after the words "License Commission" add the words "and the Commissioner of Public Works".