

Citizen Petition

The undersigned residents of the City of Cambridge respectfully request the City Council to amend Chapter 8.16, "Noise Control" of the Cambridge Municipal Code of Ordinances by deleting Section 16.081 through 16.081.7 thereof, entitled "Leaf Blowers" and substituting the following therefor:

"16.081. Statement of Purpose. The City Council hereby finds that

- 1) Cambridge is committed to minimizing its greenhouse gas emissions, improving quality of life, maximizing sustainability practices and improving air quality;
- 2) Leaf blowers are harmful to the health of those who operate them and of those who are exposed to them due to excessive noise levels, emission of toxic, carcinogenic exhaust and ozone-forming compounds, and stirring up of fine particulate matter (PM 2.5), allergens, lead and other contaminants present in soil and dirt;
- 3) Gas-powered leaf blowers release much higher levels of hydrocarbons into the atmosphere than do automobiles and thus contribute disproportionately to ongoing climate change which threatens the future of all life on earth;
- 4) Leaf blowers are harmful to the environment through the stripping of topsoil, thereby exacerbating drought conditions, and removal of leaf cover required by pollinators to overwinter;
- 5) Continued use of leaf blowers is inconsistent with the sustainability goals of the City of Cambridge and of the Cambridge Compact for a Sustainable Future;
- 6) Leaf blowers are unnecessary to the optimal maintenance of property in the City, but the City will require a period of time to phase out the use of leaf blowers on certain city owned facilities.

16.081.1 Definitions.

- 1) A leaf blower is defined as a portable, handheld, backpack style or vehicle mounted power equipment that is powered by gasoline, other fuel, or electricity and used in any landscape maintenance, construction, property repair, or property maintenance (including without limitation sidewalks, parking lots, driveways and roofs) for the purpose of blowing, vacuuming, 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, not including lawn mowers.
- 2) Non-City property means any property not owned by the City of Cambridge, including without limitation property owned by a federal, state or other local governmental entity.

16.081.2. Ban on use. Except as otherwise provided in this Leaf Blower Ordinance, and notwithstanding any other provisions of this Code of Ordinances, the use of leaf blowers is hereby prohibited at any time within the City of Cambridge.

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16.081.3. Special interim rules for certain City properties. Notwithstanding any other provisions of this Ordinance, until 2 years after date of enactment (the "Interim Period"), municipal operators and municipal contractors may use leaf blowers for the maintenance of city-owned parks, golf course greens and playing fields as and to the extent that the City reasonably determines such use necessary for safety reasons or for adequate maintenance and further determines that alternative means such as brooms and rakes are not feasible; provided that such use shall not be permitted within 200 feet of any privately owned property or of any municipal property described in the following sentence. Leaf blowers may not in any event be used on City-owned playgrounds, schools or hospitals, nursing homes or similar facilities. The Department of Public Works shall report annually to the City Council during the Interim Period as to progress being made to eliminate the use of leaf blowers on all city owned property. During the Interim Period, municipal operators and contractors using leaf blowers as permitted by this section shall be subject to the limitations provided in Section 16.081.2 of the Leaf Blower Ordinance prior to its amendment by this Ordinance. Employees or non-employee workers of Municipal operators or contractors using leaf blowers under this section or under section 16.081.4 below must utilize appropriate personal protection equipment to include hearing protection, masks and eye protection.

16.081.4. Special emergency rules. This Ordinance does not apply to municipal operators and municipal contractors using leaf blowers for emergency operations and clean-up associated with storms, hurricanes and the like as and to the extent that the City reasonably determines that such use is necessary for safety reasons and that alternative measures are not feasible.

16.081.5. The Chairperson of the License Commission or his or her designee (the Enforcing Person) shall use best efforts to publicize the requirements of this ordinance, including without limitation giving notice thereof at least one month before its effective date to those commercial leaf blower operators with an approved operation plan for the 2019 season under Section 16.081.2.c. prior to its amendment by this Ordinance. The Enforcing Person shall use best efforts to identify commercial landscapers and arborists which do not use leaf blowers in their business and shall make those names publicly available.

16.081.6. Violations. Companies whose employees or non-employee workers use leaf blowers in violation of this Ordinance, any individuals other than employees or non-employee workers described above using leaf blowers in violation of this Ordinance, and owners of non-City property on which such use has occurred in violation of this Ordinance shall be subject to the following:

- 1) Upon the first violation a notice and warning that additional violations will be subject to a fine.
- 2) Upon any subsequent violation a fine of \$300 (or, if greater, the maximum penalty allowed under Mass. G.L. c. 40, sec. 21 (or any successor statute)).

The use of a leaf blower in violation of this Ordinance by multiple employees or non-employee workers of a single Company shall be treated as a separate violation for each such individual so using. Similarly, the use of a leaf blower in violation of this Ordinance by employees or non-employee workers of a single Company on multiple properties or multiple occasions shall be treated as a separate violation for each such property or occasion on which such use occurs.

The use of a leaf blower by an employee or non-employee worker of a municipal operator or contractor, otherwise permissible under sections 16.081.4 or 16.081.5, shall be treated as a violation of this ordinance if such employee or worker lacks personal protection equipment. Furthermore, such use by multiple employees or non-employee workers of a municipal operator or contractor shall be treated as a separate violation for each such individual lacking such equipment.

16.081.7. Enforcement. The authorized enforcement personnel charged with the enforcement of this Ordinance shall be the Police Commissioner and the Chairperson of the License Commission, which shall have authority to promulgate regulations to implement this Ordinance and to establish a procedure for the disposition of complaints of violations.

16.081.8. Effective date. Except as otherwise provided herein, this Leaf Blower Ordinance shall take effect on June 30, 2019."

Respectfully submitted,

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