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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

November 6, 2023

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Response to Awaiting Report 23-65 re: develop ordinance language leading to a phased in ban of the use of gas-powered leaf blowers in Cambridge, as discussed at the Health and Environment Committee meeting on September 13, 2023

Dear Mr. Huang:

At the Health and Environment Committee meeting held on September 13, 2023, the Committee discussed developing ordinance language leading to a phased in ban of the use of gas-powered leaf blowers ("Leaf Blower Ordinance"). Attached for the Council's consideration is the draft Leaf Blower Ordinance that seeks to amend the current ordinance codified at Cambridge Municipal Code 8.16.081.

The attached Leaf Blower Ordinance was drafted with the input of the Chairs of the Health and Environment Committee and the Ordinance Committee and input from the Department of Public Works, Department of Human Services Program, Water Department, Inspectional Services Department, License Commission, and Law Department.

I will be available to answer questions about the proposed Leaf Blower Ordinance at the Council's meeting.

Very truly yours,

Megan B. Bayer
Acting City Solicitor

Draft Amendments to Chapter 8.16.081 - Leaf Blowers as follows:

Chapter 8.16.081 Leaf Blowers

8.16.081.1 - Statement of purpose.

The Cambridge City Council hereby finds that the reduction of noise pollution; air pollution; harm to wildlife, soil, and plants; and general negative public health outcomes from the combustion of petroleum-based fuels provide the basis for the public purposes of this Leaf Blowers Chapter. Whereas the use of gas-powered leaf blowers contributes to the aforementioned pollutions, harms, and negative public health outcomes, it is declared to be the policy of the City of Cambridge (“City”) to prohibit unnecessary, excessive, and damaging noise, airborne dust, and harmful fumes caused by the use of gas-powered leaf blowers to protect human health and reduce emissions, pursuant to the City’s stated goals and objectives to protect health and reduce emissions pollution. Further it is expected that the City shall send out information notifying the public and commercial landscapers about the health and safety effects of gas-powered leaf blowers and inform them about this Chapter.

8.16.081.2 - Definitions.

1. **Definition of “leaf blower.”** A leaf blower is defined as a portable handheld or backpack style power tool that is powered by petroleum-based 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. Excluded from this definition are wheeled walk-behind four-stroke leaf blowers, as defined at subsection 8.16.81.2(3), and any leaf blowing devices attached to a tractor and/or mower.
2. **Definition of “gas-powered leaf blower.”** Any portable handheld or backpack style power leaf blower that is powered by a petroleum-based engine 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. Excluded from this definition are wheeled walk-behind four-stroke leaf blowers, as defined at subsection 8.16.81.2(3), and any leaf blowing devices attached to a tractor and/or mower.
3. **Definition of “wheeled walk-behind four-stroke leaf blower.”** Any walk-behind wheeled leaf blower that is powered by a petroleum-based four-stroke engine 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. Excluded from this definition are any leaf blowing devices attached to a tractor and/or mower.

4. **Definition of “commercial leaf blower operator.”** Any entity, organization, or multi-parcel owner, as defined in this Chapter, that employs two (2) or more persons that receive income, remuneration, or compensation of any kind, whether as a fee, a charge, a salary, wages, or otherwise, for operating a leaf blower. Municipal operators and municipal contractors are excluded from this definition.
5. **Definition of “owners.”** Persons or entities possessing one or more adjoining parcels of land in common ownership that together comprise a total of less than two (2) acres.
6. **Definition of “multi-parcel owners.”** Persons or entities possessing one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more.

8.16.081.3 - Use Regulations.

The use of leaf blowers shall be regulated as follows:

1. The use of leaf blowers is at all times prohibited except between March 15 and June 15 and between September 15 and December 31 of each calendar year.
2. The use of leaf blowers is further prohibited on Sundays and legal holidays except, as described further below, Indigenous Peoples' Day and Veterans' Day.
3. For the purposes of this Chapter, “legal holidays” shall mean the actual day on which the holiday occurs and not the day it may be observed in each calendar year.
4. On days leaf blowers may be used such use by all users is limited to: (a) Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., (b) on Saturdays, between the hours of 9:00 a.m. and 5:00 p.m., and (c) consistent with the provisions of G.L. c. 136, §13, as it may be amended, on Indigenous Peoples' Day leaf blowers may be operated between the hours of 12:00 p.m. and 5:00 p.m., and on Veterans' Day leaf blowers may be operated between the hours of 1:00 p.m. and 5:00 p.m. Leaf blowers cannot be operated on Sundays or any legal holiday other than Indigenous Peoples' Day and Veterans' Day.
5. The provisions of subsections 8.16.081.3(1) through 8.16.081.3(3) do not apply to the use of leaf blowers by City employees and City contractors performing leaf blower operations in Cambridge Municipal Cemetery, Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, or performing emergency operations and clean-up associated with storms, hurricanes, and/or other natural disasters, or by operators performing leaf blower operations on behalf of multi-parcel owners, so long as the multi-parcel owners of such land comply with the provisions of subsection 8.16.081.3(7).
6. Commercial leaf blower operators must obtain an annual permit to operate leaf blowers (“Permit”). The Licensing Commission shall be responsible for the issuance and revocation of any Permit.
7. Multi-parcel owners seeking to operate leaf blowers shall not be permitted to operate leaf blowers unless they submit an operations plan to the City Manager or his or her

designee, for review and approval (“Operations Plan”). At a minimum, the operations plan shall:

- i. Address the multi-parcel owner’s efforts to mitigate the impacts of noise and emissions upon owners, occupants, and/or users of nearby property,
- ii. Include an inventory of all leaf blowers owned and to be used in any operations program, which program shall comply with the noise and emission restrictions set forth in this ordinance, and regulations promulgated hereunder, and
- iii. Include the multi-parcel 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 or her designee, who shall ensure that it complies with the applicable provisions of this Chapter, and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the multi-parcel owner to comply with the provisions of this Chapter, and regulations promulgated hereunder. No operations plan submitted by a multi-parcel owner shall be approved by the City Manager unless there has been a showing of significant hardship.

8. 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 other parcel of land, lot, or public right-of-way other than the parcel, land, or lot upon which the leaf blower is being operated. Leaves, dirt, dust, debris, grass clippings, cuttings, or trimmings from trees or shrubs or any other type of 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 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 during municipal street and sidewalk sweeping and cleaning operations. In no event shall leaves, dirt, dust, 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. Deposits of leaves, dirt, dust, 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 dispersal by wind, vandalism, or similar means.
9. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency. All leaf blowers shall be rated by the manufacturer to produce an A-weighted sound pressure level no greater than 65 decibels at a distance of fifty feet as rated by the manufacturer using the American National Standards Institute testing criteria.
10. On parcels of 10,000 square feet or less, only one leaf blower may be used. On parcels larger than 10,000 square feet, simultaneous use of leaf blowers is allowed so long as the leaf blowers are operated at least 100 feet apart.
11. Private citizens/individuals, including but not limited to owners and multi-parcel owners, and commercial leaf blower operators are prohibited from deliberately blowing debris onto adjacent property, the street, catch basins, gutters, vehicles, people, or animals. City employees or City contractors may blow leaves, dust, dirt, grass clippings, cuttings, and trimming from trees and shrubs onto a municipal street or sidewalk for collection and pick-up during municipal street and sidewalk sweeping and cleaning operations.

8.16.081.4 - Transition.

The prohibition of gas-powered leaf blower equipment use shall be subject to the following timeline:

1. Owner Use Transition Period. The use by owners, other than multi-parcel owners with an operations plan, on their own property will be allowed until March 15, 2025.
2. Commercial Leaf Blower Operators and Multi-parcel Owners Use Transition Period: The use by commercial leaf blower operators and multi-parcel owners will be allowed until March 15, 2027.
3. Municipal Use Transition Period: The use by City employees or City contractors will be allowed until March 15, 2027.
4. The City shall phase out the use of wheeled walk-behind four-stroke leaf blowers as soon as it deems it technologically and financially feasible to do so.
5. The provisions of this subsection 8.16.081.4 do not apply to the use of gas-powered leaf blowers, including but not limited to leaf blowing devices attached to a tractor and/or mower and wheeled walk-behind four-stroke leaf blowers, by City employees and City contractors in accordance with the provisions of this Chapter, and regulations promulgated hereunder, when used for the purposes of: (a) residential street cleaning, if the City continues to not tow vehicles for street cleaning purposes, (b) on parcels equal to one acre or larger, and (c) in the event of emergency conditions.
6. The provisions of this subsection 8.16.081.4 do not apply to the use of electric powered leaf blowers.

8.16.081.5 – Regulations and Enforcement.

1. Regulations. The License Commission and the Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this Chapter.
2. Enforcement. In addition to the Police Commissioner, the Commissioner of Inspectional Services Department (“ISD”), and the Chairperson of the License Commission, as provided in section 8.16.040 of this Chapter, the Commissioner of Public Works and his or her designee shall be authorized enforcement personnel charged with the enforcement of this section pursuant to the provisions of section 8.16.040 of this Chapter.

8.16.081.6 - Miscellaneous.

1. 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.
2. Effective Date. The provisions of this Chapter shall be effective upon ordination, except as to City contracts now in effect. The provisions of this Chapter shall be incorporated into any current City contracts that are renewed and/or amended after this Chapter is ordained.