

TOWN OF BELMONT**Leaf Blower Control By-Law****SECTION 1: STATEMENT OF PURPOSE**

The reduction of (i) noise, (ii) emissions of particulate matter resulting from the use of Leaf Blowers, and (iii) 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 Control By-law, as are protecting the health, welfare and environment public purposes of the Town and its inhabitants. Therefore, this By-law shall limit and regulate the use of Leaf Blowers as defined and set forth herein.

SECTION 2: DEFINITIONS

- a. "Leaf Blower" governed by this By-law is defined as any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including cleaning of downspouts and gutters.
- b. "Electric Leaf Blower" governed by this By-law is defined as a Leaf Blower powered solely by electricity.
- c. "Property Owner" as used in this By-law shall mean the legal owner of record of real property as listed by the tax assessor's records.
- d. "Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.
- e. "Town" shall mean the Town of Belmont, Massachusetts.

SECTION 3: LIMITATIONS ON USE

- a. No Property Owner or Property Manager shall authorize or permit the operation of a Leaf Blower on property under their control, or on the sidewalks or ways contiguous to such property, nor shall any person operate a Leaf Blower other than between March 1st and May 31st and between September 1st and December 31st in each year. An Electric Leaf Blower may be operated on any day of the year, subject to the other restrictions in this By-Law.
- b. No more than one Leaf Blower shall be operated on any one property of less than 7,500 square feet in area at the same time.
- c. Leaf Blowers may only be operated between the hours of 8:00 a.m. until 8:00 p.m. on weekdays, and between the hours of 9:00 a.m. to 6:00 p.m. on weekends and holidays.
- d. No use of any form of Leaf Blower shall be permitted which violates the Town's Noise Bylaw, being Article 6, Section 60-600, et seq.
- e. No Leaf Blower powered by any combination of gasoline and oil shall be operated if the Leaf Blower is intended to be carried on the operator's back or moved on wheels.
- f. The number of Electric Leaf Blowers used on any one property of greater than 7,500 square feet in area shall be limited as follows:
 - i. No more than four Electric Leaf Blowers may be operated simultaneously;

- ii. No more than three Electric Leaf Blowers may be operated simultaneously if at least one Leaf Blower powered by any combination of gasoline and oil is being operated simultaneously on the same property.
- g. The provisions of this Section 3 shall not apply to the use of any Leaf Blower to perform work for the Town by Town employees or contractors when working on Town-related activities.

SECTION 4: REGULATIONS

- a. The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-law, subject to the approval of the Select Board.
- b. The Commissioner of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this By-law in order to aid in emergency operations or clean-up associated with storms. In the event of issuing a temporary waiver, the Commissioner of Public Works shall post a notice prominently on the Town of Belmont's internet home page and make other good faith efforts to notify the public.

SECTION 5: PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

The Select Board may grant a special permit to a Property Owner or Property Manager for any activity otherwise prohibited under the provisions of this Bylaw. A special permit may only be issued, for a period of no more than two days in duration, after a public hearing posted with at least 14 days' written notice to all property owners within 300 feet of the property where the prohibited activity is to take place.

SECTION 6: ENFORCEMENT

- a. This By-law may be enforced by any Enforcing Person as specified in accordance with Article §60-605 of the General By-laws, being any police officer of the Town, any authorized employee of the Town Office of Community Development, or any other Town employee designated by the Select Board for this purpose.
- b. Violations of this By-law shall be subject to the following penalties:
 - (i) For the first violation on a property in each calendar year a written warning will be issued to the Property Owner or Property Manager;
 - (ii) Thereafter, the penalty in each calendar year shall be \$100 for a second violation, and \$200 per violation, without limit, for each succeeding violation.