

The EC proposes restricting the use of internal-combustion leaf blowers to times when their cost/benefit is best for town residents.

Gasoline-powered leaf blowers quickly remove leaves, clippings, and other detritus. However, as landscape architect Diana Breen pointed out, removing all such matter hurts lawns and shrub health during dry months. Leaf blowers have three more important impacts on town residents:

1. They spread spores and particulates, including manmade pollutants, into the air, rather than letting rain wash them away. This affects people who are sensitive to pollen, dust, and other particulates, and may cause health issues for others.
2. Leaf blowers are loud. Landscapers tend to use them two or three gasoline-powered blowers at a time, as well. The low-frequency sound (sometimes over 110 decibels) travels through walls and windows and causes long-term hearing loss (ref: <https://www.cdc.gov/vitalsigns/pdf/2017-02-vitalsigns.pdf>) This problem has been growing as more people delegate lawn care to contractors who use leaf blowers after every mowing—once or twice per week, per house.
3. Small engines emit many times as many pollutants per gallon of fuel than cars; typical leaf blowers use two-stroke engines, which burn oil and gasoline together. *Edmunds* (2011) found that half an hour's leaf blower use produced the same hydrocarbon emissions as a full-size pickup truck being driven 3,887 miles.

Over one hundred cities in the United States have banned gasoline-powered leaf blowers, including Washington, D.C., whose total ban (no exceptions) takes effect in January 2022.

The proposed statute has a precedent in Teaneck's Section 21-15, "Unnecessary noise unlawful" (<https://ecode360.com/13649866>): "It shall be unlawful for any person to make... any excessive, unnecessary or unusually loud noise which either annoys, injures, disturbs or endangers the comfort, health, repose, peace or safety of others ... which is so harsh, prolonged or unusual in its use, time and place as to annoy, disturb or endanger the comfort, health, repose, peace or safety of others within the Township and which are unreasonable and unnecessary in the circumstances."

Because there is an exception in current law for reasonable and necessary noises, our proposal would continue to allow use of leaf blowers during the months when they are used for large-scale leaf gathering.

There are two options open to the Council: adding to Section 21-15, or adopting a new ordinance using Montclair's experience as a guide.

1. Modifying the current statute

This would add to the current Section 21-15. Section (a) covers whistles, horns, bells, dogs, vehicles, power tools, and speakers; section (b) restricts various equipment, including leaf blowers, to specific hours of the day. Section (c) would further restrict hours for landscapers and set specific penalties. Section (d) would restrict leaf blowers to months when they are most useful for their intended purpose. Section (e) would specify the responsible party.

(c) The operation of any internal combustion-powered tools or equipment used lawn care equipment, including mowers, leaf blowers, edgers or trimmers, to be restricted to operating between 8:00 a.m. to 9:00 p.m, unless such work occurs within an industrial or commercial zone and the resulting noise does not impact on any residential property. Any violation is subject to a fine of \$500 for the first offense and \$1,000 for further offenses. *(Explanation: this restriction is less lenient than the current code, which allows use of equipment from 6:30 am on weekdays and 7:30 am on weekends and holidays, and adds specific penalties for violations.*

(d) The operation of any leaf blowers is banned from May 1 through September 30, except by homeowners, who may use such equipment on their own property. "Leaf blowers" are defined as any device which is used to move solid objects such as leaves or grass via the movement of air.

(e). In cases of an infraction of (b) or (c) which do not involve a homeowner using equipment on their own property, penalties are the responsibility of the primary contractor, rather than the contractor's employees or subcontractors.

Regarding part (e): if a citizen brings a complaint against a contractor, e.g. "Joe's Landscaping," it is unreasonable to expect the citizen to be able to actually name the employees. Likewise, if a contractor uses day-hires, it is unreasonable to expect them to be exempt from the law because the day-hires are technically not employees.

2. Creating a new statute

The second option is to adopt an ordinance similar to Montclair's ordinance #94-43, which was added on December 13, 1994 (see attachment). The proposed, modified version is:

Leaf blowers.

A. Purpose and intent. The Township of Teaneck hereby finds that unlimited use of leaf blowers powered by internal combustion engines impairs the economic and social welfare, health, peace, and quality of life of persons residing in Teaneck, through the creation of unnecessary noise, the reintroduction of pollutants and particulates into

the air, and byproducts of combustion. The purpose of this section is to minimize the adverse impact of such equipment by restricting its use within the Township.

B. Hours of use. Leaf blowers powered by internal combustion engines shall not be operated in the Township of Teaneck on weekdays between 8:00 a.m. and 8:00 p.m.

C. Limitation on use of leaf blowers. The operation of leaf blowers, regardless of their power source, shall be limited in each calendar year to the time period between March 1 and March 30, inclusive, and between October 1 and December 15, inclusive. The Emergency Management Coordinator shall have the authority to modify such dates when extreme or unusual weather conditions warrant.

D. Mufflers. It shall be a violation hereof to operate any leaf blower powered by an internal combustion engine in the Township of Teaneck without a properly functioning muffler.

E. Responsibilities. Property owners, business operators, landlords and tenants of a property shall each have all the duties and responsibilities prescribed in this chapter, and no property owner, business operator, landlord or tenant shall be relieved from such duties or responsibilities by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.

F. Emergencies. The Emergency Management Coordinator is authorized to suspend one or more of the provisions of this section for a period of 24 hours or more whenever such Coordinator determines that an emergency situation exists in the Township.

G. Responsible parties. In cases which do not involve a homeowner using equipment on their own property, penalties are the responsibility of the primary contractor, rather than the contractor's employees or subcontractors.

To relieve the burden on police, the D.C. code contains the following language to allow for civilian complaints without police support. This would be applicable to either proposal.

[Any citizen may file a] complaint [which] shall be submitted no later than one week following the occurrence of the alleged violation and shall be signed by an original complainant who shall attest to its accuracy, under penalty of perjury. The complaint shall include: *[the name of the person or company, the location, the date and time, and any additional information.]*

(iii) A District inspector need not witness a violation for a (iv) A complainant under sub-subparagraph (i) of this subparagraph may appear and give testimony at any

administrative hearing or administrative review of the complaint, or any other judicial or quasi-judicial action that may result from the complaint.

(v) If the Mayor determines that the complaint has merit, the Mayor shall file a Notice of Infraction and proceed pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.).

(vi) The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative Hearings.