

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

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers as well as reducing the use of gasoline and oil fuels and reducing carbon emissions into the environment are public purposes of the Town, as are protecting the health, welfare and environment public purposes of the Town. 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 are defined as any portable powered machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.
- b. "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.
- c. "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.
- d. "User" means the person or entity using the Leaf Blower at the time of the violation.

**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, except between January 1st and April 30th and between November 1st and December 31st in each year, and except for a Leaf Blower powered by electricity. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least 1 acre of open space.
- b. 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.

**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 after a public hearing.

## SECTION 6: ENFORCEMENT

- a. This By-law may be enforced in accordance with Articles \_\_\_ of the General By-laws by the enforcement person (as defined by Section 60-605).
- b. Violations of this By-law shall be subject to the following penalties:
  - (i) For the first violation by a User in each calendar year a written warning will be issued to the Property Owner or Property Manager;
  - (ii) For the second and any subsequent violation by a User in each calendar year, the User shall be fined \$100.
  - (iii) For the second and any subsequent violation by a Property Owner or Property Manager in each calendar year, the Property Owner or Property Manager User shall be fined \$50.