

TOWN OF BELMONT

Leaf Blower Control By-Law

SECTION 1: STATEMENT OF PURPOSE

The reduction of (i) noise, and (ii) the emissions of particulate matter, resulting from the use of Leaf Blowers, as well as 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 the Town 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 portable-powered machine which uses forced air used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces, or out of downspouts or gutters.
- 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.
- ~~d-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 gasoline or oil-powered Leaf Blower on property under their control, or on the sidewalks or ways contiguous to such property, nor shall any person operate a gasoline or oil-powered Leaf Blower at any time. Leaf Blowers powered by electricity may be operated, except between January-March 1st and April-May 31st and between November-September 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. 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 holiday.
- ~~a-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.
- ~~b-e.~~ The provisions of this Section 3 shall not apply to the use of any Leaf Blower to perform work for the Town, or by Town employees or contractors when working on Town-related activities.

SECTION 4: REGULATIONS

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- 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 with at least 14 days' written notice to all property owners with in 300 feet of the property where the prohibited activity is to take place.

SECTION 6: ENFORCEMENT

- a. This By-law may be enforced in accordance with Articles ___ of the General By-laws by any police officer of the Town, by any authorized employee of the Office of Community Development, or by 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 by a User in each calendar year a written warning will be issued to the Property Owner or Property Manager;
 - (ii) For the second violation by a Property Owner or Property Manager in each calendar year, the Property Owner or Property Manager User shall be fined \$50; and
 - (ii)(iii) For any subsequent violation by a Property Owner or Property Manager in each calendar year, the Property Owner or Property Manager User shall be fined \$200 per occurrence.

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