

January 29, 2021

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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. 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.

a-b. "Electric Leaf Blower" governed by this By-law is defined as a Leaf Blower powered by electricity.

b-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 January 1st and May 31st and between October 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 powered by any combination of gasoline and oil shall be operated on any one property.

c. 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.

d. The number of Electric Leaf Blowers used on any one property 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.

a-e. 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.

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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 posted with at least 48 hours notice.

SECTION 6: ENFORCEMENT

- a. This By-law may be enforced by any Enforcing Person as specified in Article \$60-605 of the General By-laws.
- 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 \$25 for a second offense, \$100 for a third offense, \$200 for a third offense, and \$300 per offense, without limit, for each succeeding offense.