

## **TOWN OF BELMONT**

### **Leaf Blower Control By-Law**

#### **SECTION 1: STATEMENT OF PURPOSE**

The reduction of noise and the reduction of air pollution from combustion of gasoline and oil-based fuels are the public purposes of this Leaf Blower Control By-Law.

#### **SECTION 2: DEFINITIONS**

- a. As used in this article, the following terms shall have the following meanings:

**Leaf Blower**

Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including cleaning of downspouts and gutters.

**Combustion Leaf Blower**

Any Leaf Blower powered in part by gasoline or oil.

**Property Owner**

The legal owner or owners of record of real property as listed by the tax assessor's records.

**Property Manager**

Any person or entity in control of real property, including, but not limited to, a condominium association or a tenant in possession.

**Relevant Property**

Any real property, as identified by map number, block number, and lot number, with a property type classification of 013 or between 101 and 111, all as determined by the assessors.

#### **SECTION 3: LIMITATIONS ON USE**

- a. All lot sizes in this section shall be determined by the assessors.
- b. Up to two Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size greater than zero and less than or equal to 14,000 square feet, or any Relevant Property of more than 14,000 and less than 24,000 square feet that abuts two or more Relevant Properties with lot size of greater than zero and less than or equal to 14,000 square feet.
- c. Up to three Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of more than 14,000 square feet and less than 24,000 square feet that is not described in Section 3(b).

- d. Up to four Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of 24,000 square feet or more.
- e. For Relevant Properties with a lot size of zero the following limits shall apply:
  - i. Up to two Leaf Blowers may be operated simultaneously on a Relevant Property that contains three or fewer units as determined by the assessors.
  - ii. Up to four Leaf Blowers may be operated simultaneously on a Relevant Property that contains more than three and less than seven units as determined by the assessors.
  - iii. Up to eight Leaf Blowers may be operated simultaneously on a Relevant Property that contains seven or more units as determined by the assessors.
- f. Effective January 1, 2023, no Combustion Leaf Blower shall be operated for compensation on any Relevant Property between May 15 and September 30, inclusive.
- g. Effective January 1, 2023, the Town shall not purchase or acquire a Combustion Leaf Blower.
- h. Effective January 1, 2026, the use of Combustion Leaf Blowers in the Town is prohibited.

#### SECTION 4: REGULATIONS AND ADMINISTRATION

- a. The Director 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 Director 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. The Director of Public Works shall make good faith efforts to notify the public of any such waiver, including by posting a notice prominently on the Town's internet home page. However, the validity of the waiver shall not be affected by the adequacy of those efforts.
- c. The Director of Public Works shall maintain publicly-available lists of Relevant Properties included in subsections 3(c), 3(d), and 3(e). An owner of a Relevant Property or the owner of an abutting Relevant Property thereto on the same street may request the Select Board to review whether such property belongs on any of those lists under the terms of this By-law. The Select Board shall respond to this request within 30 days.
- d. The Town shall maintain, and post on its website, a list of landscapers and other commercial entities that have pledged to comply with this By-law. The Town shall also promulgate a written application form for inclusion on the list. Any entity that wishes to be included on the list shall submit a signed application form to the Town Clerk's Office.

#### SECTION 5: ENFORCEMENT

- a. This By-law may be enforced by any Enforcing Person as defined in Article § 60-605 of the General By-laws.

- b. Violations of this Bylaw, or any rule or regulation adopted hereunder, shall be subject to the following penalties:
  - (i) For the first offense in any calendar year, a written warning will be issued to the Property Owner or Property Manager.
  - (ii) The penalty shall be \$100 for a second offense in the same calendar year and \$300 for the third and each subsequent offense in the same calendar year.
  - (iii) Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense. If, after written notice of a violation has issued under Section 6(c), another violation occurs the same day, that additional violation shall constitute a separate offense.
- c. An Enforcing Person taking cognizance of a violation subject to subsection 5(b)(ii) of this Bylaw shall give the offending Property Owner or Property Manager a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of General Laws c. 40, § 21D. The provisions of § 21D are incorporated by this reference.
- d. Any Enforcing Person taking cognizance of a violation subject to subsection 5(b) of this Bylaw may give the name of the landscaper or other commercial entity who was working on the Relevant Property to the Town Clerk's Office. If the entity appears on the list described in subsection 4(d), the Town Clerk may remove the entity from the list and give the entity written notice of the removal. An entity removed from the list may reapply for inclusion on the list in accordance with subsection 4(d) after three months have passed from the date of its removal.