

May 16, 2022

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. "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.
- 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. "Relevant Property" shall mean any property, as identified by map number, block number, and lot number, with a property type classification either in the range 101 through 111 or the value 13, all as determined by the Belmont Assessors Office.
- e. "Town" shall mean the Town of Belmont, Massachusetts.

SECTION 3: LIMITATIONS ON USE

- a. No more than two Leaf Blowers shall be operated simultaneously on a Relevant Property with a lot size, as determined by the Belmont Assessors Office, greater than zero and less than or equal to 14,000 square feet.
- b. No more than three Leaf Blowers shall be operated simultaneously on a Relevant Property with a lot size, as determined by the Belmont Assessors Office, of more than 14,000 square feet and less than 24,000 square feet, provided that such Relevant Property does not abut more than one Relevant Property on the same street with a lot size, as determined by the Belmont Assessors Office, less than or equal to 14,000 square feet.
- c. No more than four Leaf Blowers shall be operated simultaneously on a Relevant Property with a lot size, as determined by the Belmont Assessors Office, of 24,000 square feet or more.
- d. For Relevant Properties with a lot size of zero, as determined by the Belmont Assessors Office, the following limits shall apply:
 - i. No more than two Leaf Blowers shall be operated simultaneously on a Relevant Property that contains three or fewer units, as determined by the Belmont Assessors Office.

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- ii. No more than four Leaf Blowers shall be operated simultaneously on a Relevant Property that contains more than three and less than seven units, as determined by the Belmont Assessors Office.
 - iii. No more than eight Leaf Blowers shall be operated simultaneously on a Relevant Property that contains seven or more units, as determined by the Belmont Assessors Office.
- e. Effective January 1, 2023, no leaf blower powered by any combination of gasoline and oil shall be operated for hire on a Relevant Property during the period May 15 through September 30.
- f. Effective January 1, 2026, the use of leaf blowers in the Town powered by any combination of gasoline and oil shall be prohibited.

SECTION 4: REGULATIONS AND ADMINISTRATION

- a. The Head of the Department 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 Head of the Department 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.
- c. The Head of the Department of Public Works shall maintain a publicly available list of Relevant Properties included in paragraph 3(b), 3(c), and 3(d). 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 the list under the terms of this By-law. The Select Board shall respond to this request within 30 days and amend the list in its sole discretion.
- d. Effective July 1, 2022, the Town shall not purchase or acquire a Leaf Blower powered by any combination of gasoline and oil.
- e. The Town shall maintain a publicly available list of landscapers and other commercial entities that have pledged to comply with this By-law. Such entities may apply at the Belmont Town Clerk's Office to be included on the list. This list shall be posted on the Town's website.

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 Bylaw in any calendar year shall be subject to the following penalties:

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- (i) For the first offense, a written warning will be issued to the Property Owner or Property Manager;
 - (ii) The penalty shall be \$100 for a second offense and \$300 for the third and each subsequent offense.
 - (iii) Each day or part thereof shall constitute a separate offense.
- c. An enforcing person taking cognizance of a violation of this article or any rule or regulation adopted hereunder shall give the offender 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 § 21D. The provisions of § 21D are incorporated by this reference.