

CITY OF SOMERVILLE
ORDINANCE NO. 2021-
IN THE CITY COUNCIL: _____, 2021

Be it ordained by the City Council, in session assembled, that Chapter 9 of the Code of Ordinances of the City of Somerville is hereby amended, by adding the following new provision:

Somerville Leaf Blower Ordinance

Sec. 9-120 Leaf Blowers

1) Definitions

- a) *Leaf Blower*: Leaf blowers are defined as portable, handheld or backpack style power equipment, powered by fuel, battery or electricity, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.
- b) *Owners of Large Property*: “OLP” One who owns one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more.
- c) *Commercial leaf blower operator*: Any entity or organization that employs two (2) or more employees who receive income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

2) Limitations on Use

- a) Notwithstanding the Sections 9-112 to 9-119, the use of leaf blowers is prohibited except between March 15 and May 31 and between October 1 and December 15 in any year. The provisions of this subsection 9.120-2(a) do not apply to the use of leaf blowers, in accordance with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder, by municipal operators and municipal contractors performing leaf blower operations in Dilboy Stadium and Auxiliary Field, Hodgkin’s Park, Trum Field, Lincoln Park, Nunziato Field, Foss Park, Conway Park, Alewife Brook Reservation, Art Farm, Central Hill Park, the Community Path, Draw 7 Park, Capuano Schoolyard, Mystic River Reservation/Blessing of the Bay Park, Nathan Tufts Park, Sylvester Baxter Riverfront Park, and Tufts University Recreational Field or any city-maintained playground, as necessary, to maintain the warranty or safety of a rubberized or similar surface, performing emergency operations and clean-up associated with special events, storms, hurricanes and the like, or by OLP, so long as the owners of such land comply with the provisions of subsection 9.120-2(c).
- b) Notwithstanding the Sections 9-112 to 9-119, the use of leaf blowers is further prohibited on Sundays and legal holidays and prohibited on other days except between the hours of

9:00 a.m. and 5:00 p.m. Mondays through Saturdays, consistent with the provisions of G.L. c. 136, §13 as it may be amended. The provisions of this subsection 9.120-2(b) do not apply to the use of leaf blowers, in accordance with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder, by municipal operators and municipal contractors performing leaf blower operations in Dilboy Stadium and Auxiliary Field, Hodgkin's Park, Trum Field, Lincoln Park, Nunziato Field, Foss Park, Conway Park, Alewife Brook Reservation, Art Farm, Central Hill Park, the Community Path, Draw 7 Park, Capuano Schoolyard, Mystic River Reservation/Blessing of the Bay Park, Nathan Tufts Park, Sylvester Baxter Riverfront Park, and Tufts University Recreational Field or performing emergency operations and clean-up associated with special events, storms, hurricanes and the like, or by OLP, so long as the owners of such land comply with the provisions of subsection 9.120-2(c).

- c) Commercial leaf blower operators and OLP seeking to operate leaf blowers on such land shall not be permitted to operate leaf blowers, but may be exempted from the prohibition of this subsection 9.120-2(c) if they submit an operations plan to the Director of Inspectional Services or their designee for review and approval. At a minimum, the operations plan shall: address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon operators of the leaf blowers, and the occupants and owners of nearby property; include an inventory of all leaf blowing equipment owned and to be used by the owner or operator, which shall comply with the noise and emission restrictions set forth in this Leaf Blower Ordinance and regulations promulgated hereunder; and include the owner's or operator's plan for educating users of its equipment on safety precautions for users, the proper use of equipment, and the need to mitigate impacts upon others. The operations plan shall be reviewed by the Director of Inspectional Services or their designee, who shall ensure that it complies with the applicable provisions of this Leaf Blower Ordinance and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this Leaf Blower Ordinance and regulations promulgated hereunder. Commercial Leaf Blowers must, in addition to adhering to the plan approved by ISD, follow the use limitations in 2(a) and 2(b).
- d) Leaf blower operations shall not cause leaves, dirt, dust, rodent, dog or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated. Leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall not be blown, swept or raked onto or into an adjacent street or gutter, except by municipal employees or municipal contractors or leaf blower operators placing leaves, dust, rodent, dog, or cat feces, dirt, grass clippings, cuttings and trimmings from trees and shrubs on a municipal street or sidewalk for collection and pick-up, during municipal street and sidewalk sweeping and cleaning operations. In no event shall leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown, swept or raked onto or into catch basins or

onto vehicles, persons or pets. Deposits of leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of in a sanitary manner which will prevent it from being dispersed by wind, vandalism or similar means.

- e) All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency and the following noise level standard, notwithstanding the Sections 9-112 to 9-119: the sound emitted from any leaf blower shall be rated by the manufacturer to be no greater than 65 decibels. All leaf blower operators, including commercial leaf blowers, municipal operators and OLP, shall adhere to these standards.
- f) On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.
- g) The limitations set forth in subsections 9.120-2(a) and (b) shall not apply to de minimus use of a leaf blower by an individual on the property at which they reside provided that such use is otherwise in compliance with Sections 9-112 to 9-119. For purposes of this subsection 9.120-2(g) “de minimus” shall mean not more than an aggregate of five (5) minutes per day.

3) Fees

A fee for the City to recover all costs connected with emission or sound-testing and enforcement may be charged in an amount set by the Inspectional Services Department.

4) Regulations

The Inspectional Services Division shall have the authority to promulgate regulations to implement the provisions of this Leaf Blower Ordinance.

5) Severability

The provisions of this Section are severable. If any subsection, provision or portion of this Section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Section shall continue to be valid.

6) Effective Date

The provisions of this Leaf Blower Ordinance shall be effective on September 1, 2021 except as to City of Somerville contracts now in effect, as to which the provisions of this ordinance shall be effective one year after its passage. The decibel limit set in 9.120 - 2(e) shall not apply to municipal equipment owned on the date this ordinance is ordained, until five years from said date. The City shall not replace any leaf blowers owned on the date this ordinance is ordained with equipment above the decibel limit set in 9.120 - 2(e).

Approved:

President
City Council