



Legislation Text

File #: 23-0367, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember Dorsey

A Bill Entitled

An Ordinance concerning

Prohibition - Gas-Powered Debris Removal Equipment

For the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; establishing certain penalties; and providing for a special effective date.

By repealing and re-ordaining with amendments

Article 1. Mayor, City Council, and Municipal Agencies

Section 41-14(6)

Baltimore City Revised Code

(Edition 2000)

By renumbering

Health Article

Sections 8-301 and 8-302

to be new sections 8-401 and 8-402, to be under the new subtitle designation,

“Subtitle 4. Penalties”

Baltimore City Revised Code

(Edition 2000)

By adding

Health Article

New sections 8-301 to 8-303, to be under the new subtitle designation,

“Subtitle 3. Gas-Powered Debris Removal Equipment”

Baltimore City Revised Code

(Edition 2000)

By adding

Health Article

Section 8-403

Baltimore City Revised Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article 1. Mayor, City Council, and Municipal Agencies

*Subtitle 41
Civil Citations*

§ 41-14. Offenses to which subtitle applies - Listing.

...

(6) Health Code

...

Title 8: Air Pollution

\$100

Subtitle 3: Gas-powered debris removal equipment

*§ 8-303. Prohibition of gas-powered debris removal
equipment
subsequent offense*

\$250

All other offenses

\$1,000

...

Baltimore City Revised Code

Article - Health

SUBTITLE 3
Gas-Powered Debris Removal Equipment.

§ 8-301. Definitions

(a) *In general.*

In this subtitle, the following words have the meanings indicated.

(b) *Air pollution.*

“Air pollution” has the meaning stated in § 8-101(b) of this title.

(c) *Debris.*

(1) *In general.*

“Debris” means any solid material or portion of a solid material intended for disposal.

(2) *Inclusions.*

“Debris” includes:

- (i) manufactured objects;
- (ii) plant materials;
- (iii) animal materials; and
- (iv) natural geologic materials.

(d) *Enforcement officer.*

“Enforcement officer” has the meaning stated in City Code Article 1 § 41-1(c) {“Definitions: Enforcement officer”}.

(e) *Gas-powered debris removal equipment.*

(1) *In general.*

“Gas-powered debris removal equipment” means any device powered by an internal combustion or rotary engine using gasoline, alcohol, or any other fuel that is used to blow, vacuum, displace, or gather debris.

(2) *Inclusions.*

“Gas-powered debris removal equipment” includes:

- (i) leaf blowers; and
- (ii) leaf vacuums.

(3) *Exclusions.*

“Gas-powered debris removal equipment” does not include:

- (i) lawn mowers;
- (ii) lawn trimmers;
- (iii) snow blowers; or
- (iv) pressure washers.

§ 8-302. Prohibition of gas-powered debris removal equipment.

A person may not use gas-powered debris removal equipment in Baltimore City.

SUBTITLE 4[3]

PENALTIES.

§ 8-401 [8-301]. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:

(1) *an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or*

(2) *a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.*

(b) *Process not exclusive.*

The issuance of a citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

§ 8-402 [8-302]. Criminal penalties: \$1,000.

(a) *In general.*

Except as otherwise specified, any person who violates any provision of this title is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

§ 8-403. Criminal penalties: gas-powered debris removal equipment.

(a) *In general.*

Except as otherwise specified in this subtitle, an enforcement officer may issue a civil citation for the use of gas-powered debris removal equipment if the enforcement officer:

(1) witnesses the violation; or

(2) receives from at least 1 witness a written complaint accompanied by photographic evidence.

(b) *Warning to cease and desist.*

An enforcement officer who finds any person violating this subtitle shall order, on a first offense, that the person cease and desist the use of gas-powered debris removal equipment.

(c) *Subsequent offense.*

A person who commits a subsequent offense is subject to a fine of \$250 for each subsequent offense.

Section 2. And be it further ordained, That this Ordinance takes effect 1 year after the date it is enacted.