

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 23-0367**

Introduced by: Councilmembers Dorsey, Burnett, Ramos
Introduced and read first time: March 13, 2023
Assigned to: Health, Environment, and Technology Committee

Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: September 16, 2024

AN ORDINANCE CONCERNING

- 1 **Prohibition – Gas-Powered Debris Removal Equipment**
- 2 FOR the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore
3 City; defining certain terms; establishing procedures for reporting the use of gas-powered
4 debris removal equipment; establishing certain penalties; and providing for a ~~special effective~~
5 ~~date.~~ special effective dates.
- 6 BY repealing and re-ordaining with amendments
7 Article 1. Mayor, City Council, and Municipal Agencies
8 Section Sections 40-14(e)(7) and 41-14(6)
9 Baltimore City Code
10 (Edition 2000)
- 11 BY renumbering
12 Health Article
13 ~~Sections 8-301 and 8-302~~
14 to be new sections 8-401 and 8-402, Section 8-301, to be new section 8-401, to be under
15 the new subtitle designation,
16 “Subtitle 4. Penalties”
17 Baltimore City Code
18 (Edition 2000)
- 19 BY adding
20 Health Article
21 New sections 8-301 to 8-303, to be under the new subtitle designation,
22 “Subtitle 3. Gas-Powered Debris Removal Equipment”
23 Baltimore City Code
24 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill
by amendment after printing for third reading.

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1 BY adding
2 Health Article
3 Section ~~8-403~~ 8-402
4 Baltimore City Code
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 Laws of Baltimore City read as follows:

8 **Baltimore City Code**

9 **Article 1. Mayor, City Council, and Municipal Agencies**

10 **Subtitle 40. Environmental Control Board**

11 **§ 40-14. Violations to which subtitle applies.**

12 *(e) Provisions and penalties enumerated.*

13 *(7) Health Code*

14 ...

15 Title 8: Air Pollution \$100

16 SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT

17 § 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT
18 SUBSEQUENT OFFENSE \$250

19 *Subtitle 41. Civil Citations*

20 **§ 41-14. Offenses to which subtitle applies – Listing.**

21 ...

22 (6) Health Code

23 ...

24 Title 8: Air Pollution \$100

25 SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT

26 § 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL
27 EQUIPMENT
28 SUBSEQUENT OFFENSE \$250

29 ALL OTHER OFFENSES \$1,000

30 ...

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Baltimore City 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) CONTRACTOR.

“CONTRACTOR” MEANS A PERSON, FIRM, OR LEGAL ENTITY WITH WHICH THE CITY HAS ENTERED INTO AN AGREEMENT.”;

~~(D)~~ (D) 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.

~~(E)~~ (E) ENFORCEMENT OFFICER.

“ENFORCEMENT OFFICER” HAS THE MEANING STATED IN CITY CODE ARTICLE 1 § 41-1(C) {“DEFINITIONS: ENFORCEMENT OFFICER”}.

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1 ~~(E)~~ (F) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

2 (1) *IN GENERAL.*

3 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” MEANS ANY DEVICE POWERED BY AN
4 INTERNAL COMBUSTION OR ROTARY ENGINE USING GASOLINE, ALCOHOL, OR ANY
5 OTHER FUEL THAT IS USED TO BLOW, VACUUM, DISPLACE, OR GATHER DEBRIS.

6 (2) *INCLUSIONS.*

7 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” ~~INCLUDES:~~

8 ~~(I) LEAF BLOWERS; AND~~

9 ~~(II) LEAF VACUUMS.~~ INCLUDES HANDHELD LEAF BLOWERS WITH A VACUUM
10 FUNCTION.

11 (3) *EXCLUSIONS.*

12 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” DOES NOT INCLUDE:

13 (I) LAWN MOWERS;

14 (II) LAWN TRIMMERS;

15 (III) SNOW BLOWERS; ~~OR~~

16 (IV) PRESSURE ~~WASHERS.~~ WASHERS; OR

17 (V) SELF-PROPELLED MOTORIZED LEAF VACUUMS, INCLUDING WALK-BEHIND.
18 RIDING, AND HITCH MOUNT LEAF VACUUMS; AND

19 (VI) LEAF VACUUM TRUCKS.

20 (G) LANDSCAPE MAINTENANCE COMPANY.

21 “LANDSCAPE MAINTENANCE COMPANY” MEANS A PERSON WHO RECEIVES COMPENSATION,
22 INCLUDING MONEY OR MATERIAL GOODS, IN EXCHANGE FOR SERVICES THAT INCLUDE:

23 (1) CARING FOR:

24 (I) LAWNS;

25 (II) GARDENS;

26 (III) TREES;

27 (IV) PLANTS; AND

28 (V) HARDSCAPE FEATURES; OR

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1 (2) OTHERWISE ENHANCING THE AESTHETICS AND FUNCTIONALITY OF AN
2 OUTDOOR SPACE.

3 (H) PERSON.

4 (1) IN GENERAL.

5 “PERSON” HAS THE MEANING STATED IN § 1-107(A) {“PERSON: IN GENERAL”} OF
6 THE CITY CODE’S GENERAL PROVISIONS ARTICLE.

7 (2) INCLUSION OF GOVERNMENTAL ENTITIES.

8 NOTWITHSTANDING § 1-107(B) {“PERSON: EXCLUSION”} OF THE GENERAL
9 PROVISIONS ARTICLE, IN THIS SUBTITLE “PERSON” ALSO INCLUDES A GOVERNMENTAL
10 ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

11 (I) SUBCONTRACTOR.

12 “SUBCONTRACTOR” MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH
13 A CONTRACTOR TO PERFORM PART OF THE WORK ON A CONTRACT.

14 **§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

15 A PERSON PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR MAY NOT USE GAS-
16 POWERED DEBRIS REMOVAL EQUIPMENT IN BALTIMORE CITY.

17 ***SUBTITLE 4. [3.] PENALTIES.***

18 **§ 8-401 [8-301]. Enforcement by citation.**

19 (a) *In general.*

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

22 (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental
23 Control Board”}; or

24 (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

25 (b) *Process not exclusive.*

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

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

2 (a) ~~In general.~~

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

6 (b) ~~Each day a separate offense.~~

7 Each day that a violation continues is a separate offense.

8 ~~§ 8-403. CRIMINAL~~ **§ 8-402. CIVIL PENALTIES: GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

9 (A) *IN GENERAL.*

10 EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, AN ENFORCEMENT OFFICER MAY
11 ISSUE A CIVIL CITATION FOR THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT IF
12 THE ENFORCEMENT OFFICER:

13 (1) WITNESSES THE VIOLATION; OR

14 (2) RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY
15 PHOTOGRAPHIC EVIDENCE.

16 (B) *WARNING TO CEASE AND DESIST.*

17 AN ENFORCEMENT OFFICER WHO FINDS ANY ~~PERSON~~ PERSON, INDIVIDUAL, CONTRACTOR,
18 OR SUBCONTRACTOR VIOLATING THIS SUBTITLE SHALL ORDER, ON A FIRST OFFENSE, THAT
19 THE PERSON CEASE AND DESIST THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

20 (C) *SUBSEQUENT OFFENSE.*

21 A ~~PERSON~~ PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR WHO COMMITS A
22 SUBSEQUENT OFFENSE IS SUBJECT TO A FINE OF \$250 FOR EACH SUBSEQUENT OFFENSE.

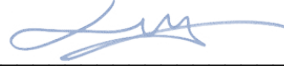
23 ~~SECTION 2. AND BE IT FURTHER ORDAINED,~~ That this Ordinance takes effect 1 year after the
24 date it is enacted:

25 SECTION 2. AND BE IT FURTHER ORDAINED, That on December 15, 2024 this
26 Ordinance takes full effect for all landscape maintenance companies, City entities, City
27 contractors, and City subcontractors.

28 SECTION 3. AND BE IT FURTHER ORDAINED, That ALL LANDSCAPE MAINTENANCE COMPANIES
29 and all other persons may use gas powered debris removal equipment between October 15 and
30 December 15 of each year, until December 15, 2026, when this Ordinance takes full effect for
31 all persons.

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Certified as duly passed this 7 day of October, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 7 day of October, 2024



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City