

AMENDMENTS TO COUNCIL BILL 23-0367
(3rd Reader Copy)

By: Councilmember Dorsey
{To be offered on the Council floor}

Amendment No. 1

Strike beginning with line 2 on page 1 down through and including line 31 on page 6 and substitute:

“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. special effective dates.

BY repealing and re-ordaining with amendments

Article 1. Mayor, City Council, and Municipal Agencies

Section Sections 40-14(e)(7) and 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; Section 8-301, to be new section 8-401, 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 8-402

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 Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) **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

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

...

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) ~~(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.

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

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

(F) ~~(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 HANDHELD LEAF BLOWERS WITH A VACUUM FUNCTION. ~~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.~~ WASHERS; OR

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

(VI) LEAF VACUUM TRUCKS.

(G) LANDSCAPE MAINTENANCE COMPANY.

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

(1) CARING FOR:

(I) LAWNS;

(II) GARDENS;

(III) TREES;

(IV) PLANTS; AND

(V) HARDSCAPE FEATURES; OR

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

(H) PERSON.

(1) IN GENERAL.

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

(2) INCLUSION OF GOVERNMENTAL ENTITIES.

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

(I) SUBCONTRACTOR.

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

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

A ~~PERSON~~ PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR 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.

§ 8-402. § 8-403. CRIMINAL CIVIL 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~~ PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR 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~~ PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR 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.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That all landscape maintenance companies and all other persons may use gas powered debris removal equipment between October 15 and December 15 of each year, until December 15, 2026, when this Ordinance takes full effect for all persons.”.