

CITY OF BALTIMORE
COUNCIL BILL 23-0367
(First Reader)

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Health Department, Environmental Control Board, Commission on Sustainability, Department of Public Works, Department of General Services, Department of Recreation and Parks, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Prohibition – Gas-Powered Debris Removal Equipment**

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

7 BY repealing and re-ordaining with amendments
8 Article 1. Mayor, City Council, and Municipal Agencies
9 Section 41-14(6)
10 Baltimore City Revised Code
11 (Edition 2000)

12 BY renumbering
13 Health Article
14 Sections 8-301 and 8-302
15 to be new sections 8-401 and 8-402, to be under the new subtitle designation,
16 “Subtitle 4. Penalties”
17 Baltimore City Revised 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 Revised Code
24 (Edition 2000)

25 BY adding
26 Health Article
27 Section 8-403
28 Baltimore City Revised Code
29 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (2) *INCLUSIONS.*

2 “DEBRIS” INCLUDES:

3 (I) MANUFACTURED OBJECTS;

4 (II) PLANT MATERIALS;

5 (III) ANIMAL MATERIALS; AND

6 (IV) NATURAL GEOLOGIC MATERIALS.

7 (D) ENFORCEMENT OFFICER.

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

10 (E) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

11 (1) *IN GENERAL.*

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

15 (2) *INCLUSIONS.*

16 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” INCLUDES:

17 (I) LEAF BLOWERS; AND

18 (II) LEAF VACUUMS.

19 (3) *EXCLUSIONS.*

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

21 (I) LAWN MOWERS;

22 (II) LAWN TRIMMERS;

23 (III) SNOW BLOWERS; OR

24 (IV) PRESSURE WASHERS.

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1 **§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

2 A PERSON MAY NOT USE GAS-POWERED DEBRIS REMOVAL EQUIPMENT IN BALTIMORE CITY.

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

5 **§ 8-401 [8-301]. Enforcement by citation.**

6 (a) *In general.*

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

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

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

12 (b) *Process not exclusive.*

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

15 **§ 8-402 [8-302]. Criminal penalties: \$1,000.**

16 (a) *In general.*

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

20 (b) *Each day a separate offense.*

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

22 **§ 8-403. CRIMINAL PENALTIES: GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

23 (A) *IN GENERAL.*

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

27 (1) WITNESSES THE VIOLATION; OR

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

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

2 AN ENFORCEMENT OFFICER WHO FINDS ANY PERSON VIOLATING THIS SUBTITLE SHALL
3 ORDER, ON A FIRST OFFENSE, THAT THE PERSON CEASE AND DESIST THE USE OF GAS-
4 POWERED DEBRIS REMOVAL EQUIPMENT.

5 (C) *SUBSEQUENT OFFENSE.*

6 A PERSON WHO COMMITS A SUBSEQUENT OFFENSE IS SUBJECT TO A FINE OF \$250 FOR EACH
7 SUBSEQUENT OFFENSE.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect 1 year after the
9 date it is enacted.