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**BALTIMORE CITY COUNCIL
PUBLIC HEALTH AND ENVIRONMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the **Public Health and Environment Committee** is dedicated to safeguarding the well-being of Baltimore's residents by advancing policies that promote health equity, environmental justice, and sustainability. Recognizing the deep connection between public health and the environment, the committee works to reduce health disparities, improve access to essential services, and address climate-related challenges that impact communities.

**The Honorable Phylicia Porter
Chair**

PUBLIC HEARING

**WEDNESDAY, APRIL 9, 2025
10:01 AM**

COUNCIL CHAMBERS

Council Bill 25-0035

Gas-Powered Debris Removal Equipment – Prohibition – Enforcement

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BILL SYNOPSIS

Committee: Public Health and Environment

Council Bill: 25-0035

Gas-Powered Debris Removal Equipment – Prohibition – Enforcement

Sponsor: Councilmember Dorsey

Introduced: February 24, 2025

Purpose:

For the purpose of clarifying and conforming certain provisions related to the enforcement of the prohibition of gas-powered debris removal equipment.

Effective:

Agency Reports

City Solicitor	Favorable with amendment
Department of Finance	None as of writing
Department of Health	None as of writing
Environmental Control Board	None as of writing

Analysis

Background & Current Law

Council Bill 25-0035 strengthens enforcement of Baltimore's gas-powered debris removal equipment ban (originally passed as Bill 23-0367 in October 2024) by clarifying reporting procedures, authorizing both civil and environmental citations, establishing an affidavit system for citizen complaints, and explicitly making property owners responsible for violations on their premises. The bill represents a technical amendment to the existing law that banned gas-powered leaf blowers and similar equipment due to their adverse environmental impacts and noise pollution.

The enforcement improvements benefit Baltimore by creating a more effective implementation framework for a measure that reduces air pollution, decreases noise levels in residential areas, and aligns with similar environmental initiatives in neighboring jurisdictions like Washington D.C. and Montgomery County. The phased implementation approach provides balance by allowing city contractors to adapt immediately while giving landscaping companies and residents a transition period until December 2026, balancing environmental progress with economic considerations for small businesses adapting to electric equipment.

Additional Information

Fiscal Note:

Information Source(s): Reporting Agencies, Council Bill 25-0035 & 23-0367.

Deontre Hayes

Analysis by: Deontre Hayes
Analysis Date: April 7, 2025

Direct Inquiries to: (410) 396-1260

PUBLIC HEALTH AND ENVIORNMENT COMMITTEE

AGENCY REPORTS

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 27, 2025

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0035 – Gas-Powered Debris Removal Equipment –
Prohibition – Enforcement

Dear President and Members of the Council:

The Law Department reviewed City Council Bill 25-0035 for form and legal sufficiency. The bill is for the purpose of clarifying and conforming certain provisions related to the enforcement of the prohibition of gas-powered debris removal equipment. The bill would take effect on the date of enactment for all City entities, City contractors, and City subcontractors. For all other persons and landscape maintenance companies the bill would take full effect on December 15, 2026. Council Bill 25-0035 clarifies that an owner of property in the City may receive a cease and desist order and subsequent citations for permitting the use of gas-powered debris removal equipment on their property. The bill also clarifies that both a cease and desist order and a subsequent citation may be issued on the basis of a written complaint with accompanying photographic evidence and a signed affidavit. The bill corrects the citation for the offense in Section 40-14(e) of Article 1 of the City Code, which permits the issuance of an environmental citation for violation of the prohibition on using gas-powered debris clearing equipment and corrects the citation for the offense in Section 41-14(6) of Article 1 of the City Code, which permits the issuance of a civil citation for the offense.

Sections (27) and (47) of Article II of the City Charter provide that the Mayor and City Council may “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and may “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.” The intent of the bill is to reduce air pollution which positively affects the health and welfare of City residents.

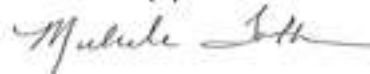
In the proposed new Section 8-303(a) of the Health Code, line 16 on page 3 of Council Bill 25-0035 states that the Health Department or another agency tasked with enforcement of the gas-powered debris equipment provisions may adopt regulations to carry out the provisions. This is permissive language, and the agency tasked with enforcement of the gas-powered debris removal

equipment prohibition is not required to draft regulations. If regulations are adopted, under proposed Section 8-303(b) they must contain an affidavit form to be used by a witness to a violation of the prohibition. The language of Section 8-402(a)(2) in lines 1-4 on page 4 of the bill, and Section 8-402(b)(2) in lines 18-21 on page 4 of the bill require a witness to submit a written complaint, photographic evidence, and “a signed affidavit in the form required by the rules and regulations promulgated pursuant to § 8-303 of this title {Rules and Regulations}.” The language of Section 8-402 implies that the regulations under Section 8-303 are required. Accordingly, if the agency charged with enforcement of the prohibition is required to draft regulations, the word “MAY” in line 16 on page 3 of the bill should be deleted and replaced with the word “SHALL”.

In Council Bill 25-0035, Section 8-402 sets forth the penalties for violating the prohibition on use of gas-powered debris removal equipment. Subsection (b)(1) states that an enforcement officer who finds that “any person, individual, contractor, or subcontractor” violated the law’s prohibition shall order on first offense that “the person” cease and desist using the prohibited equipment. To clarify that all persons and entities identified in Section 8-402(b)(1) are subject to receiving a cease and desist order on a first offense, the word “person” on page 4, line 10 of the bill should be deleted, and replaced with “PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR”.

Subject to these required amendments, the Law Department can approve Council Bill 25-0035 for form and legal sufficiency.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michele Toth", is written over a light gray circular stamp.

Michele Toth
Assistant Solicitor

cc: Ebony Thompson
Ethan Hasiuk
Ty’lor Schnella
Shamoyia Gardiner
Hilary Ruley
Jeff Hochstetler
Ashlea Brown
Desiree Luckey
Ahleah Knapp

CITY OF BALTIMORE
COUNCIL BILL 25-0035
(First Reader)

Introduced by: Councilmember Dorsey

Cosponsored by: Councilmembers Parker, Middleton, Gray, and Blanchard

Introduced and read first time: February 24, 2025

Assigned to: Public Health and Environment Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Health
Department, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of clarifying and conforming certain provisions related to the enforcement of the
4 prohibition of gas-powered debris removal equipment.

5 BY repealing and re-ordaining, with amendments,
6 Article 1. Mayor, City Council, and Municipal Agencies
7 Sections 40-14(e)(7) and 41-14(6)
8 Baltimore City Revised Code
9 (Edition 2000)

10 BY repealing and re-ordaining, with amendments,
11 Health Article
12 Sections 8-302 and 8-402
13 Baltimore City Revised Code
14 (Edition 2000)

15 BY adding
16 Health Article
17 Section 8-303
18 Baltimore City Revised Code
19 (Edition 2000)

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

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

Council Bill 25-0035

Baltimore City Revised 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.] 8-302. 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.] 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL
EQUIPMENT

SUBSEQUENT OFFENSE \$250

Article – Health

Title 8. Air Pollution

Subtitle 3. Gas-powered Debris Removal Equipment

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

(A) *IN GENERAL.*

A person, individual, contractor, or subcontractor may not use gas-powered debris removal equipment in Baltimore City.

(B) *USE ON PROPERTY.*

AN OWNER OF REAL PROPERTY IN BALTIMORE CITY MAY NOT PERMIT ANY PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR TO USE GAS-POWERED DEBRIS REMOVAL EQUIPMENT ON THAT PROPERTY.

§ 8-303. Rules and regulations.

(A) *IN GENERAL.*

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE BALTIMORE CITY HEALTH DEPARTMENT OR ANOTHER CITY ENTITY TASKED WITH ENFORCEMENT OF THIS SUBTITLE, MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE AND § 8-402 OF THIS TITLE.

(B) *REQUIRED CONTENT.*

THE RULES AND REGULATIONS ADOPTED BY THE BALTIMORE CITY HEALTH DEPARTMENT UNDER THIS SECTION SHALL INCLUDE AN AFFIDAVIT FORM A WITNESS SHALL USE TO SUBMIT A COMPLAINT UNDER § 8-402 OF THIS TITLE.

Subtitle 4. Penalties

§ 8-402. [Civil penalties:] PENALTIES: Gas-powered debris removal equipment.

(a) *In general.*

Except as otherwise specified in this subtitle, an enforcement officer may issue a civil OR AN ENVIRONMENTAL citation for [the use of gas-powered debris removal equipment] VIOLATING THE PROVISIONS OF § 8-302 {“PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT”} OF THIS TITLE if the enforcement officer:

(1) witnesses the violation; or

Council Bill 25-0035

(2) receives from at least 1 witness a written complaint accompanied by photographic [evidence.] EVIDENCE AND A SIGNED AFFIDAVIT IN THE FORM REQUIRED BY THE RULES AND REGULATIONS PROMULGATED PURSUANT TO § 8-303 OF THIS TITLE {"RULES AND REGULATIONS"}.

(b) *Warning to cease and desist.*

(1) *IN GENERAL.*

An enforcement officer who finds THAT any person, individual, contractor, or subcontractor [violating this subtitle] VIOLATED THE PROVISIONS OF § 8-302 {"PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT"} OF THIS TITLE shall order, on a first offense, that the person cease and desist the use of gas-powered debris removal equipment.

(2) *REQUIREMENTS.*

A SPECIAL ENFORCEMENT OFFICER MAY FIND THAT A PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR HAS VIOLATED THE PROVISIONS OF § 8-302 {"PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT"} OF THIS TITLE IF THE SPECIAL ENFORCEMENT OFFICER:

(I) WITNESSES THE VIOLATION; OR

(II) RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY PHOTOGRAPHIC EVIDENCE AND A SIGNED AFFIDAVIT IN THE FORM REQUIRED BY THE RULES AND REGULATIONS PROMULGATED PURSUANT TO § 8-303 OF THIS TITLE {"RULES AND REGULATIONS"}.

(c) *Subsequent offense.*

(1) A person, individual, contractor, or subcontractor who commits a subsequent offense is subject to a fine of \$250 for each subsequent offense.

(2) Each day that a violation continues is a separate offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes full effect for all City entities, City contractors, and City subcontractors on the date it is enacted.

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.

**AMENDMENTS TO COUNCIL BILL 25-0035
(1st Reader Copy)**

By: Department of Law
{To be offered to the Public Health and Environment Committee}

Amendment No. 1

On page 3, in line 16, strike “MAY” and substitute “SHALL”; and, on page 4, in line 10, strike “person” and substitute “PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR”.