

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

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. special effective dates.~~

~~BY repealing and re-ordaining with amendments
Article 1. Mayor, City Council, and Municipal Agencies
Section Sections 40-14(c)(7) and 41-14(6)
Baltimore City 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 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 Code
(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.

Council Bill 23-0367

BY adding
Health Article
Section 8-403 ~~8-402~~
Baltimore City 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

~~...~~

Council Bill 23-0367

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.”;

~~(C) (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.

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

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

Council Bill 23-0367

~~(E) (F) 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. INCLUDES HANDHELD LEAF BLOWERS WITH A VACUUM
FUNCTION.~~

~~(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~~

Council Bill 23-0367

~~(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.~~

Council Bill 23-0367

~~§ 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 § 8-402. 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.~~

Council Bill 23-0367

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,
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Health Article
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(e) Provisions and penalties enumerated.

(7) **Health Code**

...

Council Bill 23-0367

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.

Council Bill 23-0367

“DEBRIS” MEANS ANY SOLID MATERIAL OR PORTION OF A SOLID MATERIAL INTENDED FOR DISPOSAL.

(2) INCLUSIONS.

“DEBRIS” INCLUDES:

(I) MANUFACTURED OBJECTS;

(II) PLANT MATERIALS;

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(IV) NATURAL GEOLOGIC MATERIALS.

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

(1) IN GENERAL.

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(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

Council Bill 23-0367

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

(VI) LEAF VACUUM TRUCKS.

(G) LANDSCAPE MAINTENANCE COMPANY.

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(I) SUBCONTRACTOR.

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

Council Bill 23-0367

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

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

4 **Subtitle 4. [3.] 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~~
19 ~~each offense.~~

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

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

22 **§ 8-402. ~~§ 8-403. CRIMINAL CIVIL PENALTIES: GAS-POWERED DEBRIS REMOVAL EQUIPMENT.~~**

23 (A) IN GENERAL.

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

27 (1) WITNESSES THE VIOLATION; OR

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

Council Bill 23-0367

1 (B) WARNING TO CEASE AND DESIST.

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

5 (C) SUBSEQUENT OFFENSE.

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

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

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

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

Council Bill 23-0367

Certified as duly passed this 18 day of November, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 18 day of November, 2024



Chief Clerk

Approved this 27th day of November, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 22nd Day of November, 2024.

Elena R. DiPietro

Chief Solicitor