

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 25-0035

Introduced by: Councilmember Dorsey
Introduced and read first time: February 24, 2025
Assigned to: Public Health and Environment Committee

Committee Report: Favorable, with Amendments
Council action: Adopted
Read second time: April 28, 2025

AN ORDINANCE CONCERNING

Gas-Powered Debris Removal Equipment – Prohibition – Enforcement

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

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

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

BY adding
Health Article
Section 8-303
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:

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.

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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~~ SHALL 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

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

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Certified as duly passed this _____ day of _____, 20____

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City