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

1	Prohibition – Gas-Powered Debris Removal Equipment
2	FOR the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore
3	City; defining certain terms; establishing procedures for reporting the use of gas-powered
4	debris removal equipment; establishing certain penalties; and providing for a special effective
5	date. special effective dates.
6	By repealing and re-ordaining with amendments
7	Article 1. Mayor, City Council, and Municipal Agencies
8	Section <u>Sections 40-14(e)(7) and 41-14(6)</u>
9	Baltimore City Code
10	(Edition 2000)
11	By renumbering
12	Health Article
13	Sections 8-301 and 8-302
14	to be new sections 8-401 and 8-402, Section 8-301, to be new section 8-401, to be under
15	the new subtitle designation,
16	"Subtitle 4. Penalties"
17	Baltimore City 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 Code
24	(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. <u>Underlining</u> 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.

1	BY adding
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- Health Article
- 2 3 4 Section 8-403 <u>8-402</u> Baltimore City Code (Edition 2000)
- 5

6	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE	, That the
7	Laws of Baltimore City read as follows:	
8	Baltimore City Code	
9	Article 1. Mayor, City Council, and Municipal Agencies	
10	Subtitle 40. Environmental Control Board	
11	<u>§ 40-14. Violations to which subtitle applies.</u>	
12	(c) Provisions and penalties enumerated.	
13	(7) <u>Health Code</u>	
14		
15	Title 8: Air Pollution	<u>\$100</u>
16	SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT	
17	§ 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPM	ENT
18	SUBSEQUENT OFFENSE	<u>\$250</u>
19	Subtitle 41. Civil Citations	
20	<u> § 41-14. Offenses to which subtitle applies – Listing.</u>	
21		
22	(6) Health Code	
23		
24	Title 8: Air Pollution	\$100
25	SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT	
26	§ 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL	
27	EQUIPMENT	
28	SUBSEQUENT OFFENSE	\$250
29	ALL OTHER OFFENSES	\$1,000
30		

1	Baltimore City Code
2	Article – Health
3	Subtitle 3. Gas-Powered Debris Removal Equipment.
4	§ 8-301. DEFINITIONS
5	(A) IN GENERAL.
6	IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
7	(B) AIR POLLUTION.
8	"AIR POLLUTION" HAS THE MEANING STATED IN § 8-101(B) OF THIS TITLE.
9	(C) CONTRACTOR.
10 11	<u>"Contractor" means a person, firm, or legal entity with which the City has entited into an agreement.</u> ";
12	(C) (D) DEBRIS.
13	(1) IN GENERAL.
14 15	"DEBRIS" MEANS ANY SOLID MATERIAL OR PORTION OF A SOLID MATERIAL INTENDED FOR DISPOSAL.
16	(2) Inclusions.
17	"DEBRIS" INCLUDES:-
18	(I) MANUFACTURED OBJECTS;
19	(II) PLANT MATERIALS;
20	(III) ANIMAL MATERIALS; AND
21	(IV) NATURAL GEOLOGIC MATERIALS.
22	(D) (E) ENFORCEMENT OFFICER.
23 24	"ENFORCEMENT OFFICER" HAS THE MEANING STATED IN CITY CODE ARTICLE 1 § 41-1(C) {"Definitions: Enforcement officer"}.

1	(E) (F) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.
2	(1) IN GENERAL.
3	"GAS-POWERED DEBRIS REMOVAL EQUIPMENT" MEANS ANY DEVICE POWERED BY AN
4	INTERNAL COMBUSTION OR ROTARY ENGINE USING GASOLINE, ALCOHOL, OR ANY
5	OTHER FUEL THAT IS USED TO BLOW, VACUUM, DISPLACE, OR GATHER DEBRIS.
6	(2) Inclusions.
7	"GAS-POWERED DEBRIS REMOVAL EQUIPMENT" INCLUDES:
8	(I) LEAF BLOWERS; AND
9	(II) LEAF VACUUMS. INCLUDES HANDHELD LEAF BLOWERS WITH A VACUUM
10	FUNCTION.
11	(3) Exclusions.
12	"GAS-POWERED DEBRIS REMOVAL EQUIPMENT" DOES NOT INCLUDE:-
13	(I) LAWN MOWERS;
14	(II) LAWN TRIMMERS;
15	(III) SNOW BLOWERS; OR
16	(IV) PRESSURE WASHERS. <u>WASHERS; OR</u>
17	(V) <u>SELF-PROPELLED MOTORIZED LEAF VACUUMS, INCLUDING WALK-BEHIND.</u>
18	<u>RIDING, AND HITCH MOUNT LEAF VACUUMS; AND</u>
19	(VI) LEAF VACUUM TRUCKS.
20	(G) Landscape maintenance company.
21	"LANDSCAPE MAINTENANCE COMPANY" MEANS A PERSON WHO RECEIVES COMPENSATION,
22	INCLUDING MONEY OR MATERIAL GOODS, IN EXCHANGE FOR SERVICES THAT INCLUDE:
23	(1) CARING FOR:
24	(I) LAWNS;
25	(II) GARDENS;
26	(III) TREES;
27	(IV) PLANTS; AND
28	(V) HARDSCAPE FEATURES; OR

1	(2) OTHERWISE ENHANCING THE AESTHETICS AND FUNCTIONALITY OF AN
2	OUTDOOR SPACE.
3	(H) PERSON.
4	(1) IN GENERAL.
5	"Person" has the meaning stated in § 1-107(a) {"Person: In general"} of
6	THE CITY CODE'S GENERAL PROVISIONS ARTICLE.
7	(2) Inclusion of governmental entities.
8	NOTWITHSTANDING § 1-107(B) {"PERSON: EXCLUSION"} OF THE GENERAL
9	PROVISIONS ARTICLE, IN THIS SUBTITLE "PERSON" ALSO INCLUDES A GOVERNMENTAL
10	ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.
10	
11	(1) <u>Subcontractor.</u>
11	(1) SOBCONTRACTOR.
12	"SUBCONTRACTOR" MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH
12	A CONTRACTOR TO PERFORM PART OF THE WORK ON A CONTRACT.
13	A CONTRACTOR TO PERFORMPART OF THE WORK ON A CONTRACT.
14	8.9.202 DROUDERION OF CAR DOWEDED DEDDIS DEMOVAL FOURIENT
14	§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.
15	
15	A PERSON PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR MAY NOT USE GAS-
16	POWERED DEBRIS REMOVAL EQUIPMENT IN BALTIMORE CITY.
17	
17	Subtitle 4. [3.] Penalties.
10	
18	§ 8-401 [8-301]. Enforcement by eitation.
19	(a) <i>In general.</i>
20	In addition to any other civil or criminal remedy or enforcement procedure, this title may
21	be enforced by issuance of:
22	(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental
23	Control Board"}; or
24	(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.
	• • • • • •
25	(b) Process not exclusive.
26	The issuance of a citation to enforce this title does not preclude pursuing any other civil
27	or criminal remedy or enforcement action authorized by law.

1	§ 8-402 [8-302]. Criminal penaltics: \$1,000.
2	(a) <i>In general.</i>
3	Except as otherwise specified, any person who violates any provision of this title is guilty
4	of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each
5	offense.
6	(b) Each day a separate offense.
7	Each day that a violation continues is a separate offense.
8	§ 8-403. Criminal <u>§ 8-402. Civil</u> penalties: gas-powered debris removal equipment.
9	(A) IN GENERAL.
10	EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, AN ENFORCEMENT OFFICER MAY
11	ISSUE A CIVIL CITATION FOR THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT IF
12	THE ENFORCEMENT OFFICER:
13	(1) WITNESSES THE VIOLATION; OR
14	(2) RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY
15	PHOTOGRAPHIC EVIDENCE.
16	(B) WARNING TO CEASE AND DESIST.
17	AN ENFORCEMENT OFFICER WHO FINDS ANY PERSON PERSON, INDIVIDUAL, CONTRACTOR,
18	OR SUBCONTRACTOR VIOLATING THIS SUBTITLE SHALL ORDER, ON A FIRST OFFENSE, THAT
19	THE PERSON CEASE AND DESIST THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.
20	(C) Subsequent offense.
21	A PERSON PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR WHO COMMITS A
22	SUBSEQUENT OFFENSE IS SUBJECT TO A FINE OF \$250 FOR EACH SUBSEQUENT OFFENSE.
23	SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect 1 year after the
24	date it is enacted.
25	SECTION 2. AND BE IT FURTHER ORDAINED, That on December 15, 2024 this
23 26	Ordinance takes full effect for all landscape maintenance companies, City entities, City
27	contractors, and City subcontractors.
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28	SECTION 3. AND BE IT FURTHER ORDAINED, That ALL LANDSCAPE MAINTENANCE COMPANIES
29	and all other persons may use gas powered debris removal equipment between October 15 and
30	December 15 of each year, until December 15, 2026, when this Ordinance takes full effect for
31	<u>all persons.</u>

1 2 3 4	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 <u>effective date</u> . special effective dates.
5 6 7 8 9	<u>By repealing and re-ordaining with amendments</u> <u>Article 1. Mayor, City Council, and Municipal Agencies</u> <u>Section Sections 40-14(e)(7) and 41-14(6)</u> <u>Baltimore City Revised Code</u> (Edition 2000)
10 11 12 13 14 15 16 17	<u>By renumbering</u> <u>Health Article</u> <u>Sections 8-301and 8-302</u> <u>to be new sections 8-401 and 8-402</u> , Section 8-301, to be new section 8-401, to be under <u>the new subtitle designation</u> , <u>"Subtitle 4. Penalties"</u> <u>Baltimore City Revised Code</u> (Edition 2000)
18 19 20 21 22 23	<u>By adding</u> <u>Health Article</u> <u>New sections 8-301 to 8-303, to be under the new subtitle designation,</u> <u>"Subtitle 3. Gas-Powered Debris Removal Equipment"</u> <u>Baltimore City Revised Code</u> (Edition 2000)
24 25 26 27 28	<u>By adding</u> <u>Health Article</u> <u>Section 8-403 8-402</u> <u>Baltimore City Revised Code</u> <u>(Edition 2000)</u>
29 30	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:
31	<u>Baltimore City Code</u>
32	Article 1. Mayor, City Council, and Municipal Agencies
33	Subtitle 40. Environmental Control Board
34	§ 40-14. Violations to which subtitle applies.
35	(e) Provisions and penalties enumerated.
36	(7) Health Code
37	<u></u>

1	Title 8: Air Pollution	<u>\$100</u>
2	SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT	
3 4	<u>§ 8-303.</u> <u>Prohibition of Gas-powered debris removal equipment</u> <u>Subsequent offense</u>	<u>\$250</u>
5	Subtitle 41. Civil Citations	
6	<u>§ 41-14. Offenses to which subtitle applies – Listing.</u>	
7	<u></u>	
8 9	(6) Health Code	
10 11	Title 8: Air Pollution	<u>\$100</u>
12 13 14 15 16 17	<u>SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT</u> <u>§ 8-303.</u> <u>PROHIBITION OF GAS-POWERED DEBRIS REMOVAL</u> <u>EQUIPMENT</u> <u>SUBSEQUENT OFFENSE</u> <u>ALL OTHER OFFENSES</u> 	<u>\$250</u> <u>\$1,000</u>
18 19	<u>Article – Health</u> Subtitle 3. Gas-Powered Debris Removal Equipment	
20	§ 8-301. DEFINITIONS	
21	(A) IN GENERAL.	
22	IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.	
23	(B) AIR POLLUTION.	
24	<i>"Air pollution" has the meaning stated in § 8-101(b) of this title.</i>	
25	(C) CONTRACTOR.	
26 27	"Contractor" means a person, firm, or legal entity with which the City has entered into an agreement.	<u>7</u>
28	(D) (C) DEBRIS.	
29	(1) IN GENERAL.	

1 2	<u>"Debris" means any solid material or portion of a solid material intended for Disposal.</u>
3	(2) Inclusions.
4	"DEBRIS" INCLUDES:
5	(I) MANUFACTURED OBJECTS;
6	(II) PLANT MATERIALS;
7	(III) ANIMAL MATERIALS; AND
8	(IV) NATURAL GEOLOGIC MATERIALS.
9	(E) (D) ENFORCEMENT OFFICER.
10 11	<u>"Enforcement officer" has the meaning stated in City Code Article 1 § 41-1(c)</u> {"Definitions: Enforcement officer"}.
12	<u>(F) (E) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.</u>
13	(1) IN GENERAL.
14 15 16	<u>"GAS-POWERED DEBRIS REMOVAL EQUIPMENT" MEANS ANY DEVICE POWERED BY AN</u> <u>INTERNAL COMBUSTION OR ROTARY ENGINE USING GASOLINE, ALCOHOL, OR ANY OTHER</u> FUEL THAT IS USED TO BLOW, VACUUM, DISPLACE, OR GATHER DEBRIS.
17	(2) Inclusions.
18 19	<u>"Gas-powered debris removal equipment" includes handheld leaf blowers</u> <u>with a vacuum function. includes:</u>
20	(1) LEAF BLOWERS; AND
21	(II) LEAF VACUUMS.
22	(3) EXCLUSIONS.
23	"GAS-POWERED DEBRIS REMOVAL EQUIPMENT" DOES NOT INCLUDE:
24	(I) LAWN MOWERS;
25	(II) LAWN TRIMMERS;
26	(III) SNOW BLOWERS; OR
27	(IV) PRESSURE WASHERS, WASHERS; OR

1 2	(V) SELF-PROPELLED MOTORIZED LEAF VACUUMS, INCLUDING WALK-BEHIND. RIDING, AND HITCH MOUNT LEAF VACUUMS; AND
3	(VI) LEAF VACUUM TRUCKS.
4	(G) LANDSCAPE MAINTENANCE COMPANY.
5 6	"LANDSCAPE MAINTENANCE COMPANY" MEANS A PERSON WHO RECEIVES COMPENSATION, INCLUDING MONEY OR MATERIAL GOODS, IN EXCHANGE FOR SERVICES THAT INCLUDE:
7	(1) CARING FOR:
8	<u>(1)</u> <u>LAWNS;</u>
9	(II) GARDENS;
10	(III) TREES;
11	(IV) PLANTS; AND
12	(V) HARDSCAPE FEATURES; OR
13	(2) OTHERWISE ENHANCING THE AESTHETICS AND FUNCTIONALITY OF AN OUTDOOR SPACE.
14	(H) PERSON.
15	(1) IN GENERAL.
16 17	<u>"Person" has the meaning stated in § 1-107(a) {"Person: In general"} of</u> <u>the City Code's General Provisions Article.</u>
18	(2) INCLUSION OF GOVERNMENTAL ENTITIES.
19 20 21	<u>Notwithstanding § 1-107(b) { "Person: Exclusion"} of the General Provisions</u> <u>Article, in this subtitle "person" also includes a governmental entity or an</u> <u>instrumentality or unit of a governmental entity.</u>
22	(1) <u>Subcontractor.</u>
22	"CUDCONTDACTOD" MEANS A DUSINESS ENTEDDDISE THAT HAS A DIDECT CONTDACT WITH A

23 <u>"SUBCONTRACTOR" MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH A</u>
 24 <u>CONTRACTOR TO PERFORM PART OF THE WORK ON A CONTRACT.</u>

1	§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.
2 3	<u>A person person, individual, contractor, or subcontractor may not use gas-powered</u> debris removal equipment in Baltimore City.
4	Subtitle 4. [3.] Penalties.
5	§ 8-401 [8-301]. Enforcement by citation.
6	(a) In general.
7 8	In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of:
9 10	(1) an environmental citation under City Code Article 1, Subtitle 40 { "Environmental Control Board"}; or
11	(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.
12	(b) Process not exclusive.
13 14	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.
15	<u>§ 8-402 [8-302]. Criminal penalties: \$1,000.</u>
16	<u>(a) In general.</u>
17 18 19	<i>Except as otherwise specified, any person who violates any provision of this title is guilty</i> of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.
20	(b) Each day a separate offense.
21	Each day that a violation continues is a separate offense.
22	<u>§ 8-402. § 8-403. Criminal</u> Civil penalties: gas-powered debris removal equipment.
23	(A) IN GENERAL.
24 25 26	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:
27	(1) WITNESSES THE VIOLATION; OR
28 29	(2) <u>RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY</u> <u>PHOTOGRAPHIC EVIDENCE.</u>

- 1 (B) WARNING TO CEASE AND DESIST.
- AN ENFORCEMENT OFFICER WHO FINDS ANY <u>PERSON</u> PERSON, INDIVIDUAL, CONTRACTOR, OR
 <u>SUBCONTRACTOR VIOLATING THIS SUBTITLE SHALL ORDER, ON A FIRST OFFENSE, THAT THE</u>
 PERSON CEASE AND DESIST THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.
- 5 (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.*
- 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*.

Certified as duly passed this <u>18</u> day of <u>November</u>, 2024

IM

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this <u>18</u> day of <u>November</u>, 20<u>24</u>

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City