Bill No	18	<u>3-22</u>				
Concerning:	Noise	Control	_	Leaf		
Removal Equipment - Amendments						
Revised: 0	9/27/202	23 Di	raft No.	5		
Introduced:	June	28, 2022				
Enacted:	Septe	ember 26	, 2023			
Executive:	-					
Effective:						
Sunset Date:	None					
Ch Lav	vs of Mo	nt Co				

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

## AN ACT to:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum;
- (3) exempt from the prohibition against use of gas leaf removal equipment for agricultural producers;
- (4) require an annual report by the Department of Environment; and
- (5) generally[[, revise]] amend the law regarding noise control.

## By amending

Montgomery County Code Chapter 31B, Noise Control Sections 31B-9, <u>31B-10</u>, and 31B-12

BoldfaceHeading or defined term.UnderliningAdded to existing law by original bill.[Single boldface brackets]Deleted from existing law by original bill.Double underliningAdded by amendment.[[Double boldface brackets]]Deleted from existing law or the bill by amendment.\* \* \*Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

## Sec. 1. Sections 31B-9, 31B-10, and 31B-12 are amended as follows: 1 2 31B-9. [Leafblowers] Leaf removal equipment. 3 Sale of combustion leaf removal equipment – prohibited. A person must (e) 4 not sell or offer for sale a combustion engine-powered handheld, 5 backpack, or walk-behind leaf blower or leaf vacuum. 6 *Use of combustion leaf removal equipment – prohibited.* A person must 7 (f) not use a combustion engine-powered handheld, backpack, or walk-8 9 behind leaf blower or leaf vacuum. Reimbursement. Subject to an appropriation by the County 10 (g) Council,[[The]] the Director [[may]] must establish a time-limited 11 program based on criteria set by regulation to partially reimburse County 12 residents and businesses that purchase electric leaf blowers or leaf 13 vacuums [[to replace combustion engine-powered leaf blowers or leaf 14 15 vacuums]]. Application for reimbursement. To receive reimbursement under [[(1)]](h) 16 subsection (g), [an owner of a combustion engine-powered leaf blower 17 or leaf vacuum]] an applicant must apply to the Director in a form 18 prescribed by the Director [and deliver the combustion engine-powered 19 leaf blower or leaf vacuum to the County]]. 20 (i) Regulations. Not later than March 30, 2024, the County Executive must 21 transmit to the Council Method (1) regulations to establish the 22 23 reimbursement program under subsection (g). An enforcement officer may issue a civil citation under this Section if the [[(h)]] (j) 24 Director receives a complaint of a noise disturbance supported by 25 photographic evidence of a violation of subsection (f). 26

27	<u>(k)</u>	Annual reporting. By February 1 of each year, the Director must submit				
28		to the Council an annual report for the preceding year on the successes or				
29		challenges of the reimbursement program, outreach activities, statistical				
30		data related to enforcement, new technology trends for electrification of				
31		lawn care equipment, and any recommended changes to the law or				
32		operating budget. The Council may request the Director to provide				
33		additional information, as needed.				
34	31B-10. Ex	emptions.				
35		* * *				
36	<u>(c)</u>	Section 31B-9 of this Chapter does not apply to agricultural producers				
37		located on agriculturally assessed properties where farming or				
38		agricultural use and activities are permitted under Article 59, Section				
39		3.2.6 of the Zoning Ordinance.				
40	31B-12. Enforcement and penalties.					
41		* *				
42	(f)	Except as provided in Section [[31B-9(h)]] 31B-9(j), [An] an				
43		enforcement officer may issue a civil citation for any violation of this				
44		Chapter if the enforcement officer:				
45		(1) witnesses the violation; or				
46		(2) receives complaints from at least 2 witnesses of a noise				
47		disturbance.				
48		Complaints by 2 witnesses are required to issue a citation under				
49		paragraph (2), but are not required to prove that a person violated this				
50		Chapter.				
51		* *				
52	Sec.	2. Effective date; staggered implementation. The prohibition against				
53	sales under	subsection (e) of Section 31B-9, added under Section 1 of this Act, must				

take effect [[6 months after the Act becomes law]] on July 1, 2024. The prohibition 54 against use under subsection (f) of Section 31B-9, added under Section 1 of this Act, 55 must take effect [[1 year after the Act becomes law]] on July 1, 2025. [[Subsection (g) 56 of Section 31B-9, under Section 1 of this Act, must apply reimbursement only for 57 purchases of combustion engine-held leaf blowers or leaf vacuums made before this 58 Act becomes law.]] 59 60 Sec. 3. Required notices. On or after the effective date of this Act and before the effective date of the prohibition against sales under this Act, a person who sells, at 61 retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower 62

or leaf vacuum in the County must provide conspicuous notice to the consumer that

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Eran Jun	September 26, 2023	
Evan Glass, President, County Council	Date	
Approved:		
Marc Elrich, County Executive	Date	
This is a correct copy of Council action.		
Sara R. Tenenbaum, Clerk of the Council	Date	

Approved: