

**SPECIAL TOWN MEETING 1 NOVEMBER 29, 2022, 6:30 PM
BELMONT, MASSACHUSETTS
CERTIFICATION OF VOTES**

ARTICLE 3:

AMEND GENERAL BYLAWS: LEAF BLOWERS

TEXT OF BYLAW AS ADOPTED

ARTICLE 12

Leaf Blower Control

§ 60-1200. Purpose.

The reduction of noise and air pollution due to combustion of gasoline and oil-based fuels are the public purposes of this Leaf Blower Control Article.

§ 60-1205. Definitions.

As used in this Article, the following terms shall have the following meanings:

ASSESSORS' RECORDS — The records of Belmont real estate maintained by the Board of Assessors. The Assessors' Records are hereby authorized to be used and relied on to determine lot size and classification of a Relevant Property for purposes of this Article.

COMBUSTION LEAF BLOWER — Any Leaf Blower powered in part by gasoline or oil.

ENFORCING PERSON — Any Town employee designated by the Select Board as an enforcing person.

LEAF BLOWER — Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including, but not limited to, cleaning of downspouts and gutters.

PROPERTY MANAGER — Any person or entity in control of real property, including, but not limited to, a condominium association or a tenant in possession.

PROPERTY OWNER — The legal owner or owners of record of real property as listed by the real estate and probate records of Middlesex County.

RELEVANT PROPERTY — Any real property, as identified by map number, block number, and lot number, all as determined by the Assessors' Records. In addition, a Relevant Property may include a parcel of land containing units with zero lot size that have the same map number, block number, and lot number.

§ 60-1210. Limitations on Use.

- A. All lot sizes in this section shall be determined by the Assessors.
- B. Up to two Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size greater than zero and less than or equal to 14,000 square feet, or any Relevant Property of more than 14,000 and less than 24,000 square feet that abuts two or more Relevant Properties each of which has a lot size of greater than zero and less than or equal to 14,000 square feet.

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- C. Up to three Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of more than 14,000 square feet and less than 24,000 square feet that is not described in § 60-1210(B).
- D. Up to four Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of 24,000 square feet or more.
- E. For Relevant Properties with a lot size of zero including condominium and cooperative units, the following limits shall apply:
 - 1. Up to two Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains three or fewer units.
 - 2. Up to four Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains four to six units.
 - 3. Up to eight Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains seven or more units.
- F. Effective January 1, 2023, no Combustion Leaf Blower shall be operated by a commercial landscaper or other commercial entity on any Relevant Property between May 15 and September 30, inclusive.
- G. Effective January 1, 2023, the Town shall not purchase or acquire a Combustion Leaf Blower.
- H. Effective January 1, 2026, the use of Combustion Leaf Blowers in the Town is prohibited.
- I. Article 6 of Chapter 60 of the General Bylaws ("Noise") shall not apply to Leaf Blowers.
- J. Effective January 1, 2023, no Combustion Leaf Blower shall be operated on a Relevant Property between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday, and between the hours of 8:00 p.m. and 9:00 a.m. on Sunday or a legal holiday

§ 60-1215. Regulations and Administration.

- A. The Director of Public Works shall have the authority to promulgate regulations to implement the provisions of this Article, subject to the approval of the Select Board.
- B. The Director of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this Article in order to aid in emergency operations or clean-up associated with storms. The Director of Public Works shall make good faith efforts to notify the public of any such waiver, including by posting a notice prominently on the Town's website; however, the validity of the waiver shall not be affected by the adequacy of those efforts.
- C. The Town shall maintain publicly-available list(s) of Relevant Properties. The list(s) shall state which category described in § 60-1210 each Relevant Property falls into. A Property Owner of a Relevant Property or the Property Owner of an abutting Relevant Property

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thereto on the same street may request that the Select Board review whether such property has been correctly listed. The Select Board shall respond to this request within 30 days.

- D. The Town shall create and maintain an online application form for service providers to affirm their commitment to comply with the Leaf Blower provisions of this Article. A list of providers who have so affirmed shall be made available to the public on the Town's website.

§ 60-1220. Enforcement.

- E. "Enforcing Person" as used in this Article shall mean any Town employee designated by the Select Board as an enforcing person.
- F. Violations of this Article, or any rule or regulation adopted hereunder, shall be subject to the following penalties:
1. For the first offense in any calendar year, a written warning will be issued to the Property Owner or Property Manager.
 2. For the second offense in the same calendar year, the penalty shall be \$100, and the penalty shall be \$300 for the third and each subsequent offense in the same calendar year.
 3. Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense. If, after written notice of a violation has issued under § 60-1220(B)(2), another violation occurs the same day, that additional violation shall constitute a separate offense.
- G. An Enforcing Person taking cognizance of a violation subject to § 60-1220(B)(2) of this Article shall give the offending Property Owner or Property Manager a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of General Laws c. 40, § 21D. The provisions of § 21D are incorporated by this reference.
- H. Any Enforcing Person taking cognizance of a violation subject to § 60-1220(B) of this Article may give notice in writing to the Town Administrator's Office of the name of the service provider who was working on the Relevant Property. If the service provider appears on the list described in § 60-1215(D), the Select Board may remove the service provider from the list and give the service provider written notice of the removal. A service provider removed from the list may reapply for inclusion on the list in accordance with § 60-1215(D) after three months have elapsed since the date of its removal.

§ 60-1225. Severability.

The invalidity of any parts of this Article shall not affect the validity of the remaining parts.