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**CITY OF HYATTSVILLE
ORDINANCE 2022-02**

An Ordinance whereby the City Council amends Chapter 79 of the Hyattsville Code to implement a prohibition the use of gas-powered leaf blowers within the City’s municipal boundaries as well as a gas-powered leaf blower rebate program.

WHEREAS, the Maryland Code, Local Government Article, Section 5–202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Section C3-1 of Article III of the City Charter grants to the City Council the power to pass all such ordinances, resolutions and laws not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City in order to promote health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein;

WHEREAS, the Hyattsville Environment Committee proposed to the City Council that the City Council amend Chapter 79 of the Code of the City of Hyattsville to implement a phased ban on the use of gas-powered leaf blowers within the City’s municipal boundaries and a rebate program, under which eligible participants may provide gas-powered leaf blowers to a contractor retained by the City to oversee the rebate program and be compensated for a certain percentage of the cost associated with purchasing a replacement electric powered leaf blower; and

WHEREAS, on December 20, 2021, the City Council approved a motion, which directed staff to develop a communications and outreach strategy and to draft an ordinance amending Chapter 79 of the Hyattsville Code, Noise, to implement the proposed restrictions on the use of gas-powered leaf blowers within the City’s municipal boundaries as well as the proposed rebate program.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 79 of the Hyattsville Code be hereby amended to read as follows:

Chapter 79 NOISE

§ 79-1. Definitions. [Amended 2-2-1983 by HB No. 3-83; 12-19-1983 by HB No. 15-83]

For purposes of this chapter, the following words or terms shall have meanings ascribed to them:

ANSI

American National Standards Institute or its successor bodies.

1
2 **CONSTRUCTION**

3 Any site preparation, assembly, erection, repair, alteration or similar activity.
4

5 **DAYTIME HOURS**

6 8:00 a.m. to 6:00 p.m., local time.
7

8 **DEMOLITION**

9 Any dismantling, destruction or removal activities.
10

11 **EMERGENCY**

12 Any occurrence or set of circumstances involving actual or imminent physical trauma or property
13 damage which demands immediate action.
14

15 **EVENING HOURS**

16 **6:00 p.m. to 10:00 p.m., local time**
17

18 **NIGHTTIME HOURS**

19 10:00 p.m. to 8:00 a.m., local time.
20

21 **NOISE**

22 The intensity, frequency, duration and character of sound, including sound and vibration of sub-
23 audible frequencies.
24

25 **PERSON**

26 Any individual, group of individuals, firm, partnership, voluntary association or private, public or
27 municipal corporation, or political subdivision of the state.
28

29 **ZONING DISTRICT**

30 The general land use category as designated and defined in Subtitle 27, Zoning, of the Prince
31 George's County Ordinances.
32

33 **§ 79-2. Noise standards. [Amended 2-23-1983 by HB No. 3-83]**

34 A. No person shall cause or permit, subject to the exceptions set forth in Section 79-2(B), noise
35 to be generated from a residential property that is audible from a distance of fifty feet from the
36 property line of the property where the noise originates.
37
38

39 B. Exceptions:

40
41 (1) Construction or demolition activities shall be permitted during Daytime Hours,
42 provided that such activity shall not be audible from 150 feet from the property line of the
43 property where said activities are occurring. Such activities shall not be audible from 50
44 feet from the property line during Evening Hours.
45

46 (2) Household tools and portable appliances in normal usage.

1
2 (3) Lawn care and snow removal equipment (daytime only), excluding the use of gas-
3 powered leaf blowers, when used and maintained in accordance with the manufacturer's
4 specifications.

5
6 (4) Agricultural field machinery when used and maintained in accordance with
7 manufacturer's specifications.

8
9 (5) Blasting operations for demolition, construction and mining or quarrying (daytime
10 only).

11
12 (6) Motor vehicles on public roads.

13
14 (7) Aircraft.

15
16 (8) Motor vehicles or boats on state lands or waters.

17
18 (9) Emergency utility operations.

19
20 (10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.

21
22 (11) Sound not electronically amplified created by sporting, amusement and
23 entertainment events and other public gatherings operating according to terms and
24 conditions of the appropriate local jurisdictional body. This includes but is not limited to
25 athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities,
26 parades and public celebrations.

27
28 (12) Rapid rail transit vehicles and railroads.

29
30 (13) Any activity causing noise if a variance for such activity and the noise resulting there
31 from has been obtained from the environmental health administration of the Maryland Department
32 of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that
33 Department. This exception shall apply only to the extent of any such variance so granted or being
34 processed.

35
36 (14) Use of any machinery or vehicles by personnel of the State of Maryland or any
37 political subdivision thereof.

38
39 **§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-1983 by HB No. 3-83]**

40
41 It shall be unlawful for any person to make, continue or cause to be made or continued any of the
42 following noises, which are hereby declared to be loud and unnecessary.

43
44 A. The sounding of any horn or signaling device on any automobile, motorcycle or other
45 vehicle on any street, way, avenue or alley or other public place of the City, except as a danger
46 warning; the creation by means of any such signaling device of any unreasonably loud or harsh

1 sound; the sounding of any such device for any unnecessary or unreasonable length of time; the
2 use of any signaling device except one operated by hand or electricity; the use of any horn, whistle
3 or other device operated by engine exhaust; and the use of any such signaling device when traffic
4 is for any reason held up.

5
6 B. Use of radios, phonographs and musical instruments.

7
8 (1) The using of, operating of or permitting to be played, used or operated any radio
9 receiving set, musical instrument, phonograph or other machine or device for the producing
10 or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the
11 neighboring inhabitants or at any time with louder volume than is necessary for convenient
12 hearing for the person or persons who are in the room, vehicle or chamber in which such
13 machine or device is operated and who are voluntary listeners thereto.

14
15 (2) The using of, operating of or permitting to be played, used or operated any radio
16 receiving set, musical instrument, phonograph or other machine or device for the producing
17 or reproducing of sound **during Nighttime Hours** in such a manner as to be plainly audible
18 at a distance of 50 feet from the building, structure or vehicle in which it is located.

19
20 C. Yelling, shouting, hooting, whistling and singing.

21
22 (1) Yelling, shouting, hooting, whistling or singing on the public streets or from private
23 property at any time or place so as to annoy or disturb the quiet, comfort or repose of
24 persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

25
26 (2) Yelling, shouting, hooting, whistling or singing on the public streets or private
27 property at any time or place in such a manner as to be plainly audible at a distance of 50
28 feet from the building, structure or vehicle from which the noise emanates.

29
30 D. The operation of any vehicle equipped with any broadcasting, record-playing or
31 amplification system when any music, the human voice or any other noise shall be broadcast from
32 said vehicle.

33
34 **§ 79-4. Responsibility of property owner. [Amended 2-23-1983 by HB No. 3-83]**

35
36 Any owner of property who shall permit loud and unnecessary noise or noise which is in violation
37 of the level established by this chapter shall be subject to the penalties hereof.

38
39 **§ 79-5. Violations and penalties. [Added 3-3-1980 by HB No. 6-80; amended 8-2-1982 by HB**
40 **No. 13-82, 6-1-1998 by HR 98-03, 7-16-2001 by HB No. 01-03, 12-3-2007 by HO-2007-14]**

41
42 A. Violations of this chapter shall be punishable as a municipal infraction as provided in
43 Chapter 20 of this Code. The fine for any single initial violation shall be \$100.00, and the fine for
44 each repeat of that offense shall be \$200.00, except as otherwise specified in Section 79-5(B).

45
46 B. Effective July 1, 2024, violations of Section 79-6(B) will be addressed by the City in the

1 following manner:
2

3 (1) For any first offense, the City will issue a warning to the property owner or person
4 responsible for the violation.
5

6 (2) For any second offense, the City will issue a warning to the property owner or
7 person responsible for the violation, which shall include a notice informing them that the
8 City will issue a municipal infraction for any subsequent violations.
9

10 (3) For any third offense, violations will be punishable as a municipal infraction as
11 provided in Chapter 20 of this Code. The City shall issue a citation to the property owner
12 or person responsible for the violation. The fine for such a violation shall be \$100.00.
13

14 (4) For any subsequent offenses, violations will be punishable as municipal infractions
15 as provided in Chapter 20 of this Code. The City shall issue citations to the property owner
16 or person responsible for the violation. The fines for such violations shall be \$250.00.
17

18 **§ 79-6. Gas-Powered Leaf Blower Ban.**
19

20 The City will implement a phased ban on the use of gas-powered leaf blowers within the City's
21 municipal boundaries, as follows:
22

23 A. On or before August 1, 2022, the City, including City staff and contractors acting on behalf
24 of the City, will cease using gas-powered leaf blowers.
25

26 B. Effective July 1, 2024, the use of gas-powered leaf blowers will be prohibited within the
27 City's municipal boundaries.
28

29 **§ 79-7. Gas-Powered Leaf Blower Rebate Program.**
30

31 A. Eligibility. To participate in the City's gas-powered leaf blower rebate program, one must
32 be either:
33

34 (1) A person owning a home within the City's municipal boundaries; or
35

36 (2) A landscaping contractor that provides services to at least ten (10) properties located
37 within the City's municipal boundaries.
38

39 (3) Eligibility to participate in the City's gas-powered leaf blower rebate program shall not
40 be conditioned on a resident's or a landscaping contractor's citizenship or immigration
41 status.
42

43 B. The Rebate Program. During the applicable periods of the gas-powered leaf blower rebate
44 program, as set forth in Subsection (D), the rebate program will operate in the following manner:
45

46 (1) A homeowner or landscaping contractor must purchase an electric leaf blower to

1 be eligible to participate in the rebate program.

2
3 (2) Trade in events will be arranged for or held at the discretion of the Director of
4 Public Works.

5
6 (3) At a trade in event, the homeowner or landscaping contractor will submit the
7 following:

8
9 (a) Proof of residency;

10
11 (b) A receipt, or other proof of purchase, evidencing the amounts expended by
12 the eligible homeowner or the landscaping contractor in purchasing an electric leaf
13 blower;

14
15 (c) An operable gas-powered leaf blower that is owned by the eligible
16 homeowner or landscaping contractor, which will be forfeited in exchange for the
17 rebate;

18
19 (d) For eligible landscaping contractors, a list of at least ten (10) properties
20 located within the City's municipal boundaries upon which the landscaping
21 contractor provides landscaping services.

22
23 (4) Upon satisfying the conditions set forth in Subsection (3), the Contractor
24 responsible for oversight of the rebate program will begin processing a rebate for the
25 eligible homeowner or landscaping contractor, based on the percentages set forth in
26 Subsection (D).

27
28 C. Restrictions. The following restrictions shall apply to the City's gas-powered leaf blower
29 rebate program:

30
31 (1) Trade-ins shall be limited to one (1) gas-powered leaf blower per eligible household
32 or up to three (3) gas-powered leaf blowers for eligible landscaping contractors.

33
34 (2) Eligible residents may not trade-in gas-powered leaf blowers that are owned by
35 anyone other than a resident who maintains a household within the City's municipal
36 boundaries. In the event of a violation of this Subsection, the violator will be issued a fine
37 not to exceed \$100.00.

38
39 (3) Eligible landscaping contractors may not trade-in gas powered leaf blowers for
40 other contractors. In the event of a violation of this Subsection, the violator will be issued
41 a fine not to exceed \$250.00.

42
43 D. The Gas-Powered Leaf Blower Rebate Program. The gas-powered leaf blower rebate
44 program shall be implemented in a phased structure, as set forth below:

45
46 (1) From August 1, 2022 through July 31, 2023:

1
2 (a) Eligible homeowners will be reimbursed for 75% of the value of an electric
3 leaf blower purchased to replace a gas-powered leaf blower, in an amount not to
4 exceed \$150.

5
6 (b) Eligible landscaping contractors will be reimbursed for 75% of the value of
7 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
8 not to exceed \$900, or a maximum rebate of \$300 per each electric leaf blower
9 purchased.

10
11 (2) From August 1, 2023 through January 31, 2024:

12
13 (a) Eligible homeowners will be reimbursed for 50% of the value of an electric
14 leaf blower purchased to replace a gas-powered leaf blower, in an amount not to
15 exceed \$100.

16
17 (b) Eligible landscaping contractors will be reimbursed for 50% of the value of
18 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
19 not to exceed \$600, or a maximum rebate of \$200 per each electric leaf blower
20 purchased.

21
22 (3) From February 1, 2024 through August 1, 2024:

23
24 (a) Eligible homeowners will be reimbursed for 25% of the value of an electric
25 leaf blower purchased to replace a gas-powered leaf blower, in an amount not to
26 exceed \$50.

27
28 (b) Eligible landscaping contractors will be reimbursed for 25% of the value of
29 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
30 not to exceed \$300, or a maximum rebate of \$100 per each electric leaf blower
31 purchased.

32
33 (4) The City's gas-powered leaf blower rebate program shall end on August 1, 2024.
34 After that date, the City will not accept trade-ins of gas-powered leaf blowers and no rebate
35 shall be provided.

36
37 E. Disposal of Gas-Powered Leaf Blowers. Any gas-powered leaf blowers received by the
38 City pursuant to the gas-powered leaf blower rebate program will be safely disposed of.

39
40 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
41 forthwith be published in twice in a newspaper having general circulation in the City and otherwise
42 be made available to the public;

43 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a
44 regular public meeting on June 6, 2022.

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ADOPTED by the City Council of the City of Hyattsville, Maryland at a regular public meeting on June 21, 2022.

Adopted: _____

Attest: _____

Laura Reams, City Clerk

Robert Croslin, Mayor

Effective Date: July 11, 2022