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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 **DBA**
9 Abbreviation for the sound level in decibels determined by the A-weighting network of a sound
10 level meter or by calculation from octave band or 1/3 octave band data.
11
12 **DECIBEL (dB)**
13 A unit of measure equal to 10 times the logarithm to the base 10 of the ratio of a particular sound
14 pressure squared to a standard reference pressure squared. For the purpose of this chapter, 20
15 micropascals shall be the standard reference pressure.
16
17 **DEMOLITION**
18 Any dismantling, destruction or removal activities.
19
20 **EMERGENCY**
21 Any occurrence or set of circumstances involving actual or imminent physical trauma or property
22 damage which demands immediate action.
23
24 **EVENING HOURS**
25 6:00 p.m. to 10:00 p.m., local time
26
27 **NIGHTTIME HOURS**
28 10:00 p.m. to 8:00 a.m., local time.
29
30 **NOISE**
31 The intensity, frequency, duration and character of sound, including sound and vibration of sub-
32 audible frequencies.
33
34 **NOISE POLLUTION**
35 ~~The presence of noise of sufficient loudness, character and duration, which, whether from a single~~
36 ~~source or multiple sources, is, or may be predicted with reasonable certainty to be, injurious to~~
37 ~~health or which unreasonably interferes with the proper enjoyment of property or with any lawful~~
38 ~~business or activity.~~
39
40 **PERSON**
41 Any individual, group of individuals, firm, partnership, voluntary association or private, public or
42 municipal corporation, or political subdivision of the state.
43
44 **SOUND LEVEL**
45 In decibels, the weighted sound pressure level measured by the use of a sound level meter
46 satisfying the requirements of ANSI S1.4 1971 Specifications for Sound Level Meters. "Sound

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1 Level" and noise level are synonymous. The weighting employed shall always be specified.

2
3
4 **SOUND LEVEL METER**

5 An instrument, meeting ANSI S1.4 1971 Specifications for Sound Level Meters, comprising a
6 microphone, an amplifier, an output meter and frequency weighting network(s) that is used for
7 the measurement of sound pressure levels in a specified manner.

8
9 **ZONING DISTRICT**

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

12
13 **§ 79-2. Noise standards. [Amended 2-23-1983 by HB No. 3-83]**

14 A. No person shall cause or permit, subject to the exceptions set forth in Section 79-2(B), noise
15 to be generated from a residential property that is audible from a distance of fifty feet from the
16 property line of the property where the noise originates, the following noise/sound levels measured
17 at points on or within a property line or reasonably adjacent thereto of the source of said noise
18 above the maximum permissible levels in a designated zoning district. Levels exceeding said
19 permissible levels are prohibited.

Land Use	Day or Night Time Hours	Level (dBAs)
Industrial	Day	75
	Night	75
Commercial	Day	67
	Night	62
Residential	Day	60
	Night	50

21
22 B. Exceptions:

23
24 (1) Construction or demolition activities shall be permitted during Daytime Hours,
25 provided that such activity shall not exceed a level of 90 dBAs be audible from 150
26 feet from the property line of the property where said activities are occurring. Such
27 activities shall not be audible from 50 feet from the property line during EVENING
28 HOURS.

29
30 (2) Household tools and portable appliances in normal usage.

31
32 (3) Lawn care and snow removal equipment (daytime only), excluding the use of gas-
33 powered leaf blowers, when used and maintained in accordance with the manufacturer's
34 specifications.
35

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1 (4) Agricultural field machinery when used and maintained in accordance with
2 manufacturer's specifications.

3
4 (5) Blasting operations for demolition, construction and mining or quarrying (daytime
5 only).

6
7 (6) Motor vehicles on public roads.

8
9 (7) Aircraft.

10
11 (8) Motor vehicles or boats on state lands or waters.

12
13 (9) Emergency utility operations.

14
15 (10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.

16
17 (11) Sound not electronically amplified created by sporting, amusement and
18 entertainment events and other public gatherings operating according to terms and
19 conditions of the appropriate local jurisdictional body. This includes but is not limited to
20 athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities,
21 parades and public celebrations.

22
23 (12) Rapid rail transit vehicles and railroads.

24
25 (13) Any activity causing noise if a variance for such activity and the noise resulting there
26 from has been obtained from the environmental health administration of the Maryland Department
27 of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that
28 Department. This exception shall apply only to the extent of any such variance so granted or being
29 processed.

30
31 (14) Use of any machinery or vehicles by personnel of the State of Maryland or any
32 political subdivision thereof.

33
34 **§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-1983 by HB No. 3-83]**

35
36 It shall be unlawful for any person to make, continue or cause to be made or continued any of the
37 following noises, which are hereby declared to be loud and unnecessary.

38
39 A. The sounding of any horn or signaling device on any automobile, motorcycle or other
40 vehicle on any street, way, avenue or alley or other public place of the City, except as a danger
41 warning; the creation by means of any such signaling device of any unreasonably loud or harsh
42 sound; the sounding of any such device for any unnecessary or unreasonable length of time; the
43 use of any signaling device except one operated by hand or electricity; the use of any horn, whistle
44 or other device operated by engine exhaust; and the use of any such signaling device when traffic
45 is for any reason held up.
46

1 B. Use of radios, phonographs and musical instruments.

2
3 (1) The using of, operating of or permitting to be played, used or operated any radio
4 receiving set, musical instrument, phonograph or other machine or device for the producing
5 or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the
6 neighboring inhabitants or at any time with louder volume than is necessary for convenient
7 hearing for the person or persons who are in the room, vehicle or chamber in which such
8 machine or device is operated and who are voluntary listeners thereto.

9
10 (2) The using of, operating of or permitting to be played, used or operated any radio
11 receiving set, musical instrument, phonograph or other machine or device for the producing
12 or reproducing of sound **during Nighttime Hours** ~~between the hours of 12:00 midnight~~
13 ~~and 7:00 a.m.~~ in such a manner as to be plainly audible at a distance of 50 feet from the
14 building, structure or vehicle in which it is located.

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15
16 C. Yelling, shouting, hooting, whistling and singing.

17
18 (1) Yelling, shouting, hooting, whistling or singing on the public streets or from private
19 property at any time or place so as to annoy or disturb the quiet, comfort or repose of
20 persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

21
22 (2) Yelling, shouting, hooting, whistling or singing on the public streets or private
23 property at any time or place in such a manner as to be plainly audible at a distance of 50
24 feet from the building, structure or vehicle from which the noise emanates.

25
26 D. The operation of any vehicle equipped with any broadcasting, record-playing or
27 amplification system when any music, the human voice or any other noise shall be broadcast from
28 said vehicle.

29
30 **§ 79-4. Responsibility of property owner. [Amended 2-23-1983 by HB No. 3-83]**

31
32 Any owner of property who shall permit loud and unnecessary noise or noise which is in violation
33 of the level established by this chapter shall be subject to the penalties hereof.

34
35 **§ 79-5. Violations and penalties. [Added 3-3-1980 by HB No. 6-80; amended 8-2-1982 by HB**
36 **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]**

37
38 A. Violations of this chapter shall be punishable as a municipal infraction as provided in
39 Chapter 20 of this Code. The fine for any single initial violation shall be \$100.00, and the fine for
40 each repeat of that offense shall be \$200.00, except as otherwise specified in Section 79-5(B).

41
42 B. Effective July 1, 2024, violations of Section 79-6(B) will be addressed by the City in the
43 following manner:

44
45 (1) For any first offense, the City will issue a warning to the property owner or person
46 responsible for the violation.

1
2 (2) For any second offense, the City will issue a warning to the property owner or
3 person responsible for the violation, which shall include a notice informing them that the
4 City will issue a municipal infraction for any subsequent violations.

5
6 (3) For any third offense, violations will be punishable as a municipal infraction as
7 provided in Chapter 20 of this Code. The City shall issue a citation to the property owner
8 or person responsible for the violation. The fine for such a violation shall be \$100.00.

9
10 (4) For any subsequent offenses, violations will be punishable as municipal infractions
11 as provided in Chapter 20 of this Code. The City shall issue citations to the property owner
12 or person responsible for the violation. The fines for such violations shall be \$250.00.

13
14 **§ 79-6. Gas-Powered Leaf Blower Ban.**

15
16 The City will implement a phased ban on the use of gas-powered leaf blowers within the City's
17 municipal boundaries, as follows:

18
19 A. On or before ~~August~~July 1, 2022, the City, including City staff and contractors acting on
20 behalf of the City, will cease using gas-powered leaf blowers.

21
22 B. Effective July 1, 2024, the use of gas-powered leaf blowers will be prohibited within the
23 City's municipal boundaries.

24
25 **§ 79-7. Gas-Powered Leaf Blower Rebate Program.**

26
27 A. Eligibility. To participate in the City's gas-powered leaf blower rebate program, one must
28 be either:

29
30 (1) A person owning a home within the City's municipal boundaries; or

31
32 (2) A landscaping contractor that provides services to at least ten (10) properties located
33 within the City's municipal boundaries.

34
35 (3) Eligibility to participate in the City's gas-powered leaf blower rebate program shall not
36 be conditioned on a resident's or a landscaping contractor's citizenship or immigration
37 status.

38
39 B. The Rebate Program. During the applicable periods of the gas-powered leaf blower rebate
40 program, as set forth in Subsection (D), the rebate program will operate in the following manner:

41
42 (1) A homeowner or landscaping contractor must purchase an electric leaf blower to
43 be eligible to participate in the rebate program.

44
45 (2) Trade in events will be arranged for or held at the discretion of the Director of
46 Public Works.

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1
2 (3) At a trade in event, the homeowner or landscaping contractor will submit the
3 following:

4
5 (a) Proof of residency;

6
7 (b) A receipt, or other proof of purchase, evidencing the amounts expended by
8 the eligible homeowner or the landscaping contractor in purchasing an electric leaf
9 blower;

10
11 (c) An operable gas-powered leaf blower that is owned by the eligible
12 homeowner or landscaping contractor, which will be forfeited in exchange for the
13 rebate;

14
15 ~~(d) The electric leaf blower purchased by the eligible homeowner or~~
16 ~~landscaping contractor to replace the gas-powered leaf blower; and~~

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17
18 ~~(e)(d)~~ For eligible landscaping contractors, a list of at least ten (10) properties
19 located within the City's municipal boundaries upon which the landscaping
20 contractor provides landscaping services.

21
22 (4) Upon satisfying the conditions set forth in Subsection (3), the Contractor
23 responsible for oversight of the rebate program will begin processing a rebate for the
24 eligible homeowner or landscaping contractor, based on the percentages set forth in
25 Subsection (D).

26
27 C. Restrictions. The following restrictions shall apply to the City's gas-powered leaf blower
28 rebate program:

29
30 (1) Trade-ins shall be limited to one (1) gas-powered leaf blower per eligible household
31 or up to three (3) gas-powered leaf blowers for eligible landscaping contractors.

32
33 (2) Eligible residents may not trade-in gas-powered leaf blowers that are owned by
34 anyone other than a resident who maintains a household within the City's municipal
35 boundaries. In the event of a violation of this Subsection, the violator will be issued a fine
36 not to exceed \$100.00.

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37
38 (3) Eligible landscaping contractors may not trade-in gas powered leaf blowers for
39 other contractors. In the event of a violation of this Subsection, the violator will be issued
40 a fine not to exceed \$250.00.

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

44
45 (1) From ~~July~~ August 1, 2022 through ~~July~~ July 31, 2023;
46

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

4
5 (b) Eligible landscaping contractors will be reimbursed for 75% of the value of
6 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
7 not to exceed \$900, or a maximum rebate of \$300 per each electric leaf blower
8 purchased.

9
10 (2) From ~~August~~July 1, 2023 through ~~January~~January 31, 2024:

11
12 (a) Eligible homeowners will be reimbursed for 50% of the value of an electric
13 leaf blower purchased to replace a gas-powered leaf blower, in an amount not to
14 exceed \$100.

15
16 (b) Eligible landscaping contractors will be reimbursed for 50% of the value of
17 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
18 not to exceed \$600, or a maximum rebate of \$200 per each electric leaf blower
19 purchased.

20
21 (3) From ~~February~~January 1, 2024 through ~~August~~July 1, 2024:

22
23 (a) Eligible homeowners will be reimbursed for 25% of the value of an electric
24 leaf blower purchased to replace a gas-powered leaf blower, in an amount not to
25 exceed \$50.

26
27 (b) Eligible landscaping contractors will be reimbursed for 25% of the value of
28 electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount
29 not to exceed \$300, or a maximum rebate of \$100 per each electric leaf blower
30 purchased.

31
32 (4) The City's gas-powered leaf blower rebate program shall end on ~~August~~July 1,
33 2024. After that date, the City will not accept trade-ins of gas-powered leaf blowers and
34 no rebate shall be provided.

35
36 E. Disposal of Gas-Powered Leaf Blowers. Any gas-powered leaf blowers received by the
37 City pursuant to the gas-powered leaf blower rebate program will be safely disposed of.

38
39 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
40 forthwith be published in twice in a newspaper having general circulation in the City and otherwise
41 be made available to the public;

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

44
45 **ADOPTED** by the City Council of the City of Hyattsville, Maryland at a regular

1 public meeting on June 21, 2022.

2

3

Adopted: _____

4

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Attest: _____

7

Laura Reams, City Clerk

Robert Croslin, Interim Mayor

8

9

10 **Effective Date:** June 11, 2022.

11

12

13

Explanatory Note:

14

1. Underlining indicates language being added to the Code.

15

2. ~~Strikethrough~~ indicates language being deleted from the Code.

16