



Legislation Text

File #: HCC-198-FY22, **Version:** 1

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Discussion

Item Title:

Municipal Gas-Powered Leaf Blower Ban

Suggested Action:

I move that the Mayor and Council direct the City Attorney to draft an ordinance to ban gas-powered leaf blowers (GPLBs) as follows:

- Effective July 1, 2022 - The use of gas-powered leaf blowers by the City will cease entirely, including City staff and City contracts. Also, this date will be the start of the 75 percent rebate window for the trade-in of GPLBs towards the purchase of an electric leaf blower.
- Effective July 1, 2023 - The 75 percent rebate window will end, and the 50 percent rebate window will begin for GPLB trade-ins.
- Effective January 1, 2024 - The 50 percent rebate window will end, and the 25 percent rebate window will begin for GPLB trade-ins.
- Effective July 1, 2024 - the use of gas-powered leaf blowers will be prohibited permanently, and the 25 percent rebate window will end for GPLB trade-ins.

Summary Background:

See "Recommendation to Address Noise and other Impacts from GPLBs in Hyattsville" attachment for additional background information.

Budget appropriation for this motion will be addressed separately and included in the upcoming budget discussions.

Estimated budget amounts for future Council consideration are itemized by Fiscal Year (FY) below:

- FY22: \$12,000.00
 - o Replace City GPLBs: \$7,000.00
 - o Communications and Outreach: \$5,000.00
- FY23: \$40,600.00
 - o GPLB Rebate: \$40,600.00
 - o Contracted Services to Manage GPLB Rebate: Amount TBD
- FY24: \$10,000.00
 - o GPLB Rebate: \$10,000.00
- Total anticipated budget request: \$62,600.00

Staff Resources Required to Implement:

- Communications support will be needed to ensure a smooth rollout including advance notice and communications.
- Department of Public Works (DPW) support is needed to replace existing City GPLBs and transition City contracts to bar GPLB use.
- Ongoing Code enforcement support will be needed for issuing warnings and citations once the ban is implemented in FY25.

Next Steps:

Upon adoption, the City Attorney will draft an ordinance for the Council's review. Budget recommendation will come forth at that time.

Fiscal Impact:

The cost to administer the GPLB buyback program is estimated at \$50,600.

The cost to convert City GPLBs to Electric Leaf Blowers (ELB) is \$7,000.

The need for Code compliance actions will be reduced by a robust public outreach campaign. Passage of this motion will create new Code compliance responsibilities. The additional cost of Code compliance may be partially offset by revenue generated from citations.

City Administrator Comments:

Staff comments:

- Generally, this will be difficult to enforce. While the City does not have an exactly similar ordinance on the books, the one it can most equate it to is Chapter 65-27 Article VII Solid Pet Waste. This ordinance was adopted in October 2017 and to date, the City has not issued a violation of this section of Code.
 - The violation must be witnessed in the act, by the City official.
 - The individual committing the violation may, or may not, be the property owner. Municipal Infractions require the City to cite the owner of the property on which the violation is occurring.
- The motion refers to revenue generated through fines. Based on the reporting requirements, notification, and documentation necessary to justify a Municipal Infraction (after multiple warnings), which will then require adjudication, and which could result in a maximum violation of \$250, it is very likely that the staff resources to secure a judgement would greatly exceed the total amount of the fine. Additionally, given what is typically seen from the courts, any fine amount is likely to be reduced or dismissed altogether, provided that the guilty party agrees to refrain from such activities in the future. It is staff's opinion that it is unlikely that the revenue will offset enforcement costs.
- DPW will not be able to directly manage a rebate program. However, there are a few alternatives that may work for mower rebates - including having a certified vendor attend one of our electronic recycling events, like Yuck Olde Paint does. The vendor would handle all of the transactions related to the trade-in and rebate. The City could also sponsor an event that was solely for electric equipment rebates with vendors onsite offering rebates for gas trade-ins. The costs for these types of events would depend on frequency and vendor costs to the City. DPW will investigate costs and bring them forward when the ordinance comes to Council for review.
- Amendments to FY22 budget funding must be presented as a separate motion for budget appropriation and require eight (8) affirmative votes for adoption.

Community Engagement:

Upon adoption, staff will develop a communications and outreach strategy.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending