

SKELETON of important components in an Ordinance for Gas Leaf Blowers (GLB's)

Quiet Princeton



Revised 1/2021

INTRODUCTION

An ordinance for Princeton on gas leaf blowers (GLB's) is being actively discussed. We have devoted some time to considering how such an ordinance should best be constructed. A Princeton ordinance will need to be carefully drafted to meet the needs of the community, to be fair, and to be enforceable.

We have developed the format below, starting on page 2, which we call a “skeleton,” meaning that it contains the important structural components that an ordinance should comprise, but it is not a word-for-word ordinance (PEC and Council will do that). Rather, it defines the components that we consider essential. We also make recommendations for specific details such as the time of day, date of the year, and so on, but of course these will be discussed and may be changed as the process continues.

Other towns have taken various approaches; we have been able to learn from their experiences. We have collected and studied other municipalities' leaf blower ordinances. Five towns' ordinances that are particularly relevant (several suggested by Dr. Jamie Banks) are appended.

Important components in a good ordinance

We strongly emphasize, based on the experiences of other towns, the importance of the following components in particular:

- **Enforcement methods**, which will determine success or failure
- **A phased introduction**, to prepare all parties for the changes. We call these phases:
 - Phase I** (GLB's permitted in the fall).
 - Phase II** (later, after stakeholders have had time to adjust, GLB's no longer permitted at all; replaced with electric equipment and better landscaping techniques).

Sample Ordinances as sources

There is no “model ordinance” for leaf blowers. There are simply many different ordinances, enacted by many different municipalities.

Our source for some municipalities' ordinances is Dr. Jamie Banks, a nationally-recognized expert in the field. She is a consultant for Sustainable Princeton and would be glad to discuss GLB ordinances. Her contact information is appended.

At our request, Dr. Banks forwarded to us ordinances that illustrate various approaches: the Town of Lincoln MA; the City of Sonoma CA, and Larchmont NY (article only). We have added Maplewood NJ and Washington DC. These 5 towns' ordinances are attached as 5 separate pdf's. We studied all of these ordinances as background for developing our recommendations.

THE ORDINANCE SKELETON

Important Components

in an Ordinance for Gas Leaf Blowers (GLB's)

Quiet Princeton



Revised 1/2021

Objectives

The objectives of this ordinance are to reduce a significant source of noise and of particulate and volatiles pollution in our community, to further the goals of the Princeton Climate Action Plan, to reduce exposure of workers to noise and pollutants, and to reduce hazardous and seriously disturbing impacts on the health and wellbeing of residents of the community. Sustainable Princeton's concurrent educational programs for contractors, workers, and residents will facilitate the transition to less noisy and polluting devices and methods.

We recommend that the ordinance comprise a “**Phase I**” (to be implemented immediately) and a “**Phase II**” (to be implemented after one year). *Reasons: to allow a transition period before GLB's are prohibited, and to avoid the need for going through the ordinance-creation process all over again for Phase II.*

Regulation of different types of leaf blowers and other lawn maintenance devices: Phase I and Phase II

Leaf blowers:

• In **Phase I**, one year: **permit gas leaf blowers (GLBs) only during the fall cleanup period** (October 1st through December 15th). Permit battery-operated and electric leaf blowers during that whole year.

Reasons: GLB's create extremely loud, harmful noise, and produce large amounts of dangerous emissions that contribute to toxic pollution and to Covid-19 lung disease and death. They are unnecessary during the spring, summer, and winter. They are needed in the fall only during a transition period to battery-operated leaf blowers. A case could be made to permit them in the spring clean-up as well. But not in winter, when GLB's are increasingly being used inappropriately for snow removal. The appropriate equipment for snow removal is snow blowers and/or shovels for deep snow, and shovels, pushers, or brooms for light snow. Recently, battery-powered snow blowers are becoming available. GLB's have also been used inappropriately to clean sidewalks and streets, which merely moves debris elsewhere.

• In **Phase II**: after one year, **prohibit GLBs year round.**

Reasons: their noise and emissions. After the transition period, they are to be replaced during the fall cleanup by battery-operated leaf blowers, rakes, brooms, and improved landscaping management techniques, which produce less or no noise and no pollution.

- Also in **Phase II**: after one year, **permit battery-powered and electric-powered leaf blowers only during the fall cleanup period** (October 1st through December 15th), not during the summer or winter.

Reasons to regulate all leaf blowers: all of them create noise, blow away topsoil, increase run-off by compacting soil, destroy habitats of insects, and send particulates of mold, pesticides, animal feces, and other contaminants into the air so that workers and residents breath them in. Limiting battery-powered and electric-powered leaf blowers to the fall cleanup period will limit these bad effects, while providing an option for landscape contractors and residents during the fall.

Weed whackers and hedge trimmers:

It has been suggested that other gas-powered lawn maintenance devices—weed whackers and hedge trimmers, in particular—should also be regulated, because they also have two-stroke engines that create noise and pollution. They could be incorporated into the leaf blower ordinance, or they could be in a separate ordinance. The rules for these devices should be different from the rules for leaf blowers. These devices do not create as much noise and do not have as serious effects on the environment as do leaf blowers, and these devices are useful year-round for landscapers. Below is one possible set of rules for weed whackers and hedge trimmers:

- In **Phase I**: **no changes in the current usage** Reason: *This will provide a transition period for landscapers to replace gas-powered weed whackers and hedge trimmers.*

- In **Phase II**: **prohibit gas-powered weed whackers and hedge trimmers year round; permit battery-operated and electric weed whackers and hedge trimmers year round** Reason: *These devices are easily replaced by electric equivalents, with no loss of function. Since they are inexpensive, they can easily be replaced within the transition period.*

Days of the week leaf blowers are permitted

Phases I and II: Monday through Saturday (not permitted on Sunday and holidays)

Hours leaf blowers are permitted

Phases I and II: From 8 or 9am to 4pm, Monday through Friday. From 10am to 2pm on Saturday.

Enforcement

Enforcement is very important in order to have an effective ordinance. Without effective enforcement, Princeton's ordinance will fail.

Quiet Princeton recommends that Princeton's ordinance be enforced by:

- Building code officers or similar on the town staff Reason: *Effective enforcement requires staff who are used to enforcing ordinances of various types. Maplewood, NJ uses its building code office for enforcement and has found that this works well. We recommend that the staff in this or a similar office receive training for leaf blower enforcement duty.*

The ordinance should be enforceable by:

- Residents sending dated photos or videos of the offenders and their company identification to the enforcer

Reasons: This works very well in Maplewood, NJ. Their court accepts the dated photos and videos as evidence; fines are sent out without a court hearing.

- Complaint by phone or e-mail from an identified person to the enforcer, with the enforcer going to the scene of the offense and observing the offense.

In practice, this may not be effective because the enforcer typically arrives after the offender has left.

- Complaint by phone or e-mail from an identified person to the enforcer, with the complainant attending a subsequent court hearing to testify.

- The enforcers seeing the offenders themselves (for example, while out driving around the town).

• We strongly recommend that enforcement not be by the Police. *Reasons: Our communities are trying to narrow the duties of police. Landscape workers are often immigrants who have concerns about law enforcement. Also, for a variety of reasons, Princeton police have not been effective in stopping loud leaf blowing in the past.*

Penalties

- First violation: \$500
 - Second violation: \$1,000
 - Third violation: \$1,500 with loss of license to perform work within the municipality.
- Reasons: Maplewood NJ started with much lower fines: a warning, then \$50, \$100, and \$150. But they found that these low fines did not deter gas leaf blower use. Wealthier homeowners simply paid the fines for the contractors, and contractors repeated their offending. When Maplewood increased the fines to \$500, \$1000, and \$1500 with loss of license, compliance greatly increased.*

* Each day and each location in which there is a violation constitutes a separate violation.

Fine given to

- The commercial company whose workers are operating the leaf blowers (landscape maintenance contractor, gutter cleaning company, etc)

Reasons: This is easy to enforce if the name of the company is on its vehicle. This discourages repeat offending at other clients' properties because each day and location constitutes a separate violation and because of the first offense/second offense/third offense fine structure. This is also more effective than fining the customer, in which case the landscaper could simply repeat the offense with other customers.

OR

- The resident, but only if he/she is the person operating the leaf blower.

The ordinance applies to

- Commercial* entities and
- Property owners, tenants, employees, agents, and contractors and
- The municipality, schools, and institutions

Reasons: It is most fair to include everyone. Also, this avoids grounds for a lawsuit: the NJ Landscapers' Association has sued Maplewood for discrimination because Maplewood's ordinance applies only to commercial entities. Maplewood is currently considering revising its ordinance to include residents. Schools and institutions have large properties which cause very prolonged use of large and loud GLB's. Furthermore, these institutions can be educated to revise their landscaping techniques (as has, for example, Harvard University).

***Definition of "commercial"**

Includes but is not limited to:

- Lawn maintenance businesses
- Landscaping businesses
- Tree removal and tree maintenance businesses *It has been asserted that some existing ordinances require tree removal and maintenance businesses to clean up after their work, for which they currently use leaf blowers. This may need investigation.*
- Gutter cleaning and roofing companies *Reason: the pollution and noise from rooftops carry for many blocks.*
- Paving companies

Other Items to include in the ordinance

• **Name of company and phone number must be visible on all company trucks.**

Reason: This obviously makes enforcement easier. This requirement should be publicized as part of the Landscaper Registration process. One problem is that there are reports in other towns of landscapers hiding their trucks around the corner from the property where they are working in order to make enforcement more difficult.

• **A maximum of one GLB used at once for properties of 1/2 acre or less, and a maximum of two at once on larger properties.** *Reason: A maximum of one is routinely recommended by manufacturers' associations, but this is universally ignored. Multiple devices worsen the noise and encourage "scorched-earth" blasting. Small properties are closer to neighbors, so the noise and pollution issue is heightened. Consideration should also be given to whether to limit the number of battery-powered and electric leaf blowers on 1/2 acre properties. They are not as noisy as GLB's, but they do present similar environmental issues.*

• **Prohibition of use of portable gas-powered generators to recharge batteries** at customers' homes or elsewhere *Instead, encourage homeowners to provide access to their electric outlets for their landscapers to charge their batteries. Reason: use of portable gas-powered generators is totally counterproductive, as those generators create as much pollution as what we are trying to eliminate. This provision is in some other towns' ordinances.*

• **The blowing of debris or dust into or along the street, beyond the customer's property boundary or onto a neighboring property, should specifically be prohibited.**

Reasons: to prevent blowing road pollution (oils, rubber) into the air and sending debris into the storm water system

• **Hearing and breathing protective equipment should be required for workers.**

This requirement should be incorporated into this or another ordinance, for worker health. *We think Princeton already has an ordinance that requires hearing protection, but not breathing protection. This needs to be checked.*

Implementation date of ordinance

Phase I: Immediately, for one year (permitting GLB's only from October 1st through December 15th; making no changes in the current usage of gas-powered weed whackers and hedge trimmers)

Phase II: After one year (prohibiting GLB's and gas-powered weed whackers and hedge trimmers year round; permitting battery-operated and electric leaf blowers only from October 1st through December 15th; permitting battery-operated and electric weed whackers and hedge trimmers year round) *Reason: An adjustment period will allow landscapers and residents to revise their practices and acquire electric equipment. This was done in the Washington DC ordinance.*

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Phyllis Teitelbaum and Anthony Lunn
Quiet Princeton
quietprinceton.org
47 Hawthorne Avenue
Princeton NJ 08540
609-921-6365