



Programs & Services Committee Report

City of Newton **In City Council**

Wednesday, March 23, 2016

Present: Councilors Rice (Chair), Leary, Hess-Mahan, Kalis, Schwartz, Auchincloss, Baker and Sangiolo

City Staff: David Olson (City Clerk), Karyn Dean (Committee Clerk)

#31-15 Proposing an ordinance to limit leaf blower use

PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]

Action: Held 8-0

#31-15(2) Amend Noise Ordinance restrictions for yard maintenance equipment

THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

Action: Held 8-0

Note: Councilor Rice reminded Committee members that they had requested a conversation with Police Chief David MacDonald about enforcement; and with Parks & Recreation Commissioner Bob DeRubeis about costs to the City relative to a seasonal leaf blower ban. Both have joined the Committee for the discussion. Councilor Rice also noted that Councilor Gentile has requested that the discussion be referred to Finance Committee in order to review the implications of those costs.

Councilor Leary provided an overview of the larger Special Meeting that took place on March 7th and how the comments and suggestions from those Councilors present were synthesized and incorporated into the current draft ordinance at the regular meeting on March 9th. In summary, based on that input, the Committee decided that keeping the ordinance as simple as possible was the best way to provide compromise and address the concerns that were expressed by the Councilors.

The draft ordinance (attached) now includes:

- Changing the seasonal ban to Memorial Day through Labor Day for everyone including residents, the City and large parcel owners; and maintaining the proposed winter ban from December 15 through March 1; there would be no exemptions
- Maintaining the proposed times and days of operation during non-ban intervals;
- Maintaining the current level of 65db and simplifying the enforcement of the ordinance through manufacturers labeling of dB levels thereby eliminating the need for the decibel meter as a tool of enforcement;

- Maintaining the one blower per 10,000 square feet provision;
- Removing the proposed registration process;
- Making no changes to the current noise ordinance waiver provision and emergency waiver provision; and
- Providing an effective date of January 1, 2017

Councilor Hess-Mahan had also proposed a civil fine for dumping leaves and yard waste in the street as no fines currently exist for that offense. This will be docketed as a separate item which will also be referred to the Finance Committee.

For reference, the reports from the March 7th and March 9th meetings can be found at:

<http://www.newtonma.gov/civicax/filebank/documents/73915/03-07-16%20Programs%20%26%20Services%20Report.pdf> and

<http://www.newtonma.gov/civicax/filebank/documents/74207/03-09-16%20Programs%20%26%20Services%20Report.pdf>

Police Department Response

Chief of Police, David MacDonald addressed the Committee. He explained that the police would handle a leaf blower complaint as they would any other noise ordinance complaint and would certainly make sure people were in compliance when responding to calls. However, they would not be proactively seeking to enforce the noise ordinance because that sort of enforcement is rife for confrontation and poor morale and his mandate is to establish community relationships. The goal would be, particularly with smaller companies who are working hard in the community and trying their best to work within the laws of the City, to advise and educate first and foremost. If someone or some company became a habitual offender then the police would certainly cite them if found in violation.

It was asked if the police had a way to track how often a particular person or company was in violation. Chief MacDonald noted that when the fines for the noise ordinance were changed to a graduated system, the department had to be proactive in tracking. It was difficult at first to keep track, however, and was, frankly, unwieldy. He believes the department now has a way to simplify that tracking process and it should not be problematic.

Councilor Leary explained that education would be part of the initiative with the new ordinance. Working with the landscaping contractors and drafting best practices with them and community organizations such as *Newton Leaves* could be part of that. As much information as possible relative to the ordinance and the developed best practices would be disseminated to the community and posted on the City's website. She hoped the Police Department could assign a liaison officer who could touch base with the Newton landscapers and perhaps *Newton Leaves* and *Newton Safe and Sound*. She also wanted to be sure that the education component extended to the police officers so that they knew the parameters of the ordinance and there would be no confusion when it came to enforcement.

<http://www.newtonleaves.org>

<http://www.meetup.com/newtonsafeandsound>

Chief MacDonald explained that the department is in the process of restructuring the Community Services Bureau. For the past couple of weeks a sergeant has been working there which the department has not had before. He is envisioning that role as somewhat of an ombudsman for several areas. He would like to see more community policing department-wide, but this particular position would dovetail into a liaison with some of these groups. In the near future, he also hopes to have a community outreach specialist/crime prevention person who can work with the ombudsman position as well.

A Committee member noted that because enforcement will always be a complaint driven process, the goal is to get complaints down to zero; crafting a simple to follow ordinance, offering as much education on it as possible and working with residents and landscaping contractors will be essential to that goal.

It was asked if manufacturers' decibel labels on the machines would facilitate enforcement. Chief MacDonald said if the machine were running when the officer arrived, it would make it very simple to determine if the machine is out of compliance with the ordinance. He reminded the Committee members that if the machine is not running when police arrive, the operator is under no obligation to produce it for inspection. He noted that his past experience as a patrol officer, however, showed him that most people try to follow the laws and usually a reminder or short conversation is sufficient for compliance.

A Committee member asked the Police Chief about a provision allowing one blower per 10,000 square feet of a lot. He said that his officers would certainly not be consulting the assessors database to check lot size. Some cases would be obvious if there were two or three or more blowers on a small lot. It would have to be taken on a case-by-case basis and there needs to be some room for judgement as was mentioned earlier to promote the community policing and relationships aspect of things.

Parks & Recreation Response

Commissioner DeRubeis joined the Committee. At the last discussion of this item, he had estimated a \$160K increase in costs due to a seasonal ban with the largest area of impact in beautification in the village squares. In terms of maintenance and leaf removal, the ban would not have much of an impact. The contractors and the City workers would still be allowed to use the machines during the seasons when they would most be needed for leaves. The Forestry Division uses leaf blowers at each tree site after removal, pruning or stump grinding; the impact of the seasonal ban would be a 7-10% decrease in productivity in that area. He did not see any impact on the upkeep of the athletic fields as the bulk of that work happens during the allowable times.

A Committee member suggested that the Commissioner speak with representatives in the Town of Lincoln and *Quiet Communities* organization as they have both dealt with restrictions there. There

are definite cost implications, on the other hand, there are ways to change practices and cut costs. Lincoln has made a real commitment to balancing the two and it has been paying off. A slight increase in costs can provide a big improvement in the quality of life for Newton residents. It was also pointed out that if there should be an issue or emergency with tree clean-up, there is a waiver provision for such circumstances. The Commissioner felt the emergency waiver provision would be helpful, but in general did not feel the City should not be exempt if a ban is put in place. It does not put the City in a favorable light.

The Commissioner noted that three of their four landscaping contracts are going out soon for the new fiscal year. They will be putting language in the contract to insure compliance for equipment and decibel levels. It was asked if the 65dB machines will make it difficult for contractors to move wet leaves. Commissioner DeRubeis said wet leaves were more difficult to move and many of the contractors use higher dB machines for that reason. A Committee member suggested they could just wait for a drier day to move the leaves. Commissioner DeRubeis said they will do whatever they have to, to be in compliance with the ordinance.

Education and Best Practices

Councilor Leary invited Faith Michaels to share her experiences with the organization *NewtonLeaves* and work she has done with Brookline on education and developing best practices.

Ms. Michael's joined the Committee. She explained that she grew up in Newton and is a landscape designer currently residing in Brookline. She met with a group of stakeholders; Boston College, Brae Burn Country Club and several Newton landscaping contractors to discuss ways to find compromise on this issue. *NewtonLeaves* and *BrooklineLeaves* websites share research and meeting dates as well as the results of a survey which was conducted in Brookline. They had 1300 respondents to the survey which is significant. There is a survey on the Newton website which only received 40 responses due to the fact that it was not advertised as well as it had been in Brookline.

Ms. Michaels also put together a pamphlet outlining some best practices for leaf blower use, published in English, Spanish and Portuguese. It also details the Newton and Brookline laws regulating leaf blower use. It was mailed to 200 landscape companies doing business in both Newton and Brookline and is attached. The pamphlets can be printed out from the *NewtonLeaves.org* website and landscaping company owners are printing them out and distributing them to their crews. She will be driving around in her truck this summer and handing them out as well. The Brookline police have them to distribute and she suggested the Newton police might want to do the same. This educational campaign is a good start and she has received some positive feedback from the landscape professionals.

Any calls or emails of complaint that come to her are being followed up by calls from her to the owners of the landscaping companies to determine what the situation might be and what the solution might be. She feels that the landscape professionals are listening now and realizing that there is an issue that cannot be ignored. They understand the behaviors have to change and that will come with time and education. A Committee member noted that Ms. Michaels did facilitate a

conversation with landscaper about a problem that was occurring in the neighborhood and the situation was then much improved.

Brookline has an officer assigned as a liaison on the leaf blower by-law and that is working well. The Town instituted a registration process which she feels will make enforcement easier than it has been. Brookline has been grappling with the leaf blower issue for a while now and she sits on a Moderator's Committee of seven which will be looking at this through the fall. They will then bring a new warrant to Town Meeting and the by-laws might be re-written altogether.

Sense of Committee

Councilor Hess-Mahan was ready to support the current draft. It is a good compromise. Councilor Hess-Mahan reminded the Committee that the Board of Aldermen phased in a lowering of the decibel level from 80-65 over a four year period several years ago. He would not like to see that go back up. California enacted noise and emissions standards and compliance has occurred. The manufacturers are now responding to the laws that are going into effect and making equipment that will do the job and follow the law.

Councilor Kalis wasn't sure yet. He's not sure about the 10,000 square feet measurement. Maybe it should be smaller. The hours in the current noise ordinance should not be changed for the allowable dates. This will require a behavioral change and he would like to have some sort of trial period and be able to bring it back for review. He feels more compromise could bring more Council members onboard. The willingness of Ms. Michaels to work with the landscaping community may lead to changes in behavior which would negate the necessity for some of the regulations under discussion.

Councilor Baker felt this framework can provide the most benefit for the most people. He is supporting this as framed because it creates an envelope of opportunity to do their work and still provide the quality of life people are asking for in the community. Even though there is a strong constituency who uses landscaping services, there is also a large group who do not and is still affected by them. There will be some challenges but also allows opportunities for education and far fewer complaints and difficulties. Limiting the number of blowers per lot makes enforcement simpler. No decibel meter is needed; more than one on an average lot is a violation. He understands everyone's concerns but the quality of life is the main issue here. Also, the Commissioner of Parks & Recreation told the Committee he would make this work if enacted.

Councilor Leary agreed with Councilor Baker and was cognizant of the quality of life issues. This draft is a reasonable compromise because 65dB is still very loud. Many new regulations are met with resistance and fears of damaging businesses. For example, the car industry claimed that requiring airbags in every car would put them out of business; bar and restaurants owners claimed the non-smoking regulations would put them out of business as well. People rise to the level of expectation within reason and appropriate regulations are reasonable. She felt that this Committee has worked long and hard and has been thoughtful in coming to compromise in this

draft. People deserve to have relief from leaf blowers in the summer months as there are no leaves and alternatives can be found for other types of clean up.

Councilor Schwartz said the concept of a ban was in reaction to the seeming unenforceability of the current noise ordinance. After discussions with the Police Chief, it seems that some changes can help with enforcement such as labels on the leaf blowers. The summer ban seems reasonable as there are no leaves to be moved and seems the least troublesome time to disallow use. He would really like to understand decibels better and wondered if it would be better to have a louder machine doing work for a shorter period of time, or a quieter machine taking longer to do the job. He also thinks enforcing the number of blowers per 10,000 feet would be difficult. He feels that the current draft is close enough for him to support, but he would like to understand the decibel levels better.

Councilor Auchincloss agreed with Councilor Schwartz's comments.

Councilor Sangiolo said she needs to get back up to speed on the discussion since she has been away. The registration requirement seems to be gone from the draft as well as exemptions for large property owners. She had suggested that they allow a higher decibel level and then phase into 65 decibels but she understands why that would seem counterintuitive. She is in favor of the seasonal bans in the draft and reminded everyone that they were considering a full ban. This is much more of a compromise. She needs to consider this a bit more.

Councilor Rice was concerned about the transition from the higher decibel machines to 65 decibels since that seems to be what everyone has been using, in spite of the current ordinance. He felt the snow shoveling ordinance has been working well and this could have a similar effect. Even though there are no fines in the shoveling ordinance thus far, the behaviors are changing for the better.

Next Steps for Committee

Commissioner DeRubeis will revisit the costs based on the new dates and will provide updated numbers for the next discussion. Committee members asked if he could also try to evaluate the cost increase of going from 77dB equipment to 65dB equipment.

Councilor Rice noted that Councilor Gentile asked that this item come to Finance Committee for review. The Committee voted to docket an item for referral to Finance.

As mentioned earlier, an item will also be docketed for a civil fine for dumping leaves and yard waste in the street as no fines currently exist for that offense.

The items will likely be scheduled to return to Committee in April or after budget discussions in early June. After the Committee votes them out, the appropriate items will go to Finance Committee for review.

Respectfully Submitted, John B. Rice, Chair

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES 03/10/2016

(Added language underscored; deleted language struck through)

ARTICLE II.

NOISE

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

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Leaf blower: any portable motorized device, whether carried or pushed, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:

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§ 20-13

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§ 20-13

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class Stationary or Moving

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All vehicles over 10,000 lbs. GVW
or GCWR 86

All Motorcycles 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) Construction and demolition.

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

Maximum noise level dB(A) permitted:

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor 85

Generator 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

*(3) Yard, Garden, or Grounds Maintenance Equipment**Maximum noise level dB(A) permitted:*

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf
vacuum..... 90

All other equipment, including home
tractor, ~~leaf blower~~, lawn mower
or trimmer 65

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Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) *Restrictions on use of leaf blowers.* Notwithstanding the provisions of sections 20-13 (f) and (g), on or after January 1, 2017 no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from Memorial Day through Labor Day or from December 15 through March 1 in each year. At all other times leaf blowers may be operated subject to the following provisions:

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 a.m. – 5:30 p.m.

Saturday: 9:30 a.m. – 5:30 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:30 p.m.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer's label indicating the model number of the leaf blower;

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C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less; and

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower.

(3) No more than one leaf blower may be used on any lot of 10,000 square feet or smaller. One additional leaf blower may be used for each additional 10,000 square feet or portion thereof comprising one lot.

(4) During times of emergency caused by a storm or other special circumstance, the Mayor or his designee may temporarily suspend application of all or a portion of this section for purposes of cleaning up from such storm or other special circumstance.

(5) The Mayor may grant, on a case by case basis, a permit for exemption from all or a portion of this section in accordance with the provisions of section 20-13 (i).

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~~(h)~~ *Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.*

- (1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.
- (2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

~~(i)~~ *Judicial Review.* Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

~~(j)~~ *Penalties.* Violation of any of the provisions of this section shall constitute a misdemeanor and any person,

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upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

~~(k)~~ *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(m) In the event the person in violation of section 20-13 (h) pertaining to leaf blower use is a contractor, the property owner shall be notified of the violation and of any warning or other enforcement issued to the contractor.

~~(4)~~ *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

Secs. 20-14—20-19. Reserved.

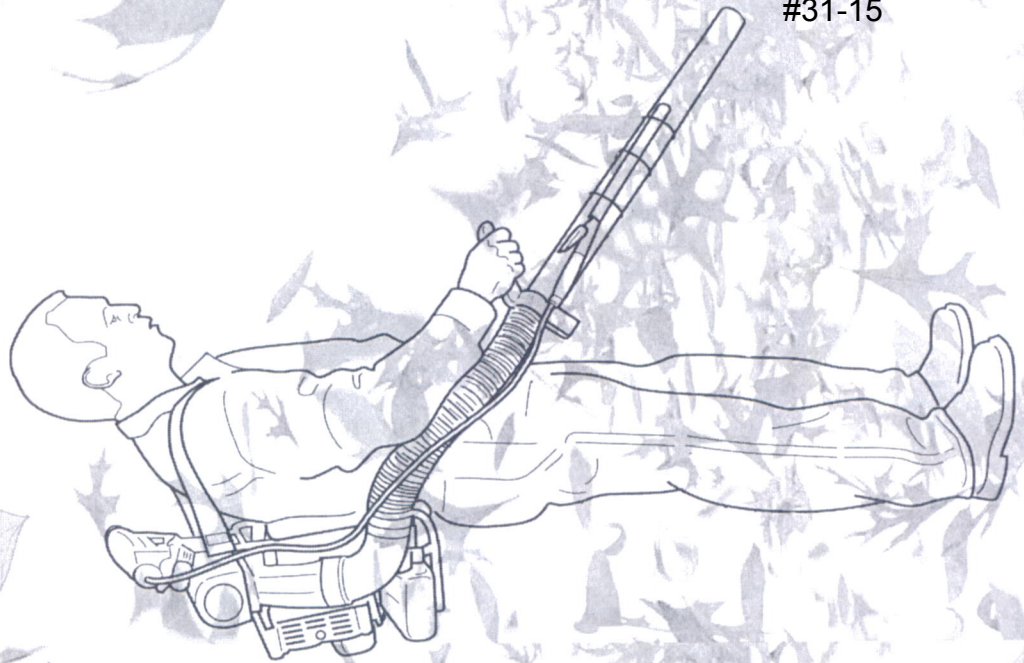
LEAF BLOWERS AND BEST PRACTICES

SOPRADORES DE FOLHAS

(LEAF BLOWERS) E A MELHOR MANEIRA DE TRABALHAR COM ELES

SOPLADORES DE LA HOJA Y MEJORES PRÁCTICAS

#31-15



CURRENT BROOKLINE LEAFBLOWER REGULATIONS

- Gas Powered leaf blower operation is only permitted during two periods during the year: from March 15 - May 15 and Sept 15 - December 15.
- Leaf blower machines must operate at 67 decibels or less. Electric leaf blowers operating at 67 DB or less may be used any time of the year.
- Hours of operation Monday-Friday 8AM-8PM
Saturday, Sunday, Holidays 9AM-8PM

CURRENT NEWTON LEAFBLOWER REGULATIONS

- Gas powered leaf blowers are allowed but must be 65 DB level machines throughout the year.
- Hours of operation Monday-Friday 7AM-8PM
Sat, Sun and holiday 9:30AM-8PM

NORMAS ATUAIS EM BROOKLINE PARA SOPRADORES DE FOLHAS (LEAF BLOWERS)

- É permitido utilizar sopradores de folhas, movidos a gasolina, apenas durante dois períodos do ano: do dia 15 de março a 15 de maio do dia 15 de setembro a 15 de dezembro
- Sopradores de folhas devem ser operados a 67 decibéis ou menos.

NORMAS ATUAIS EM NEWTON PARA SOPRADORES DE FOLHAS (LEAF BLOWERS)

- Sopradores elétricos de folhas que operam a 67 decibéis ou menos podem ser utilizados a qualquer época do ano.
- Horário permitido de segunda-feira a sexta-feira, das 8h às 20h
- Sábado, domingo e feriados 9h a 20h

REGLEMENTO BROOKLINE LEAFBLOWER ACTUALES

- Gas operación soplador de hojas accionado sólo se permite durante dos períodos en el año: Del 15 de Marzo - 15 de Mayo y 15 de Sept - 15 de Diciembre.
- Sopladores de hojas máquinas deben funcionar a 67 decibelios o menos. Sopladores de hojas eléctricos que funcionan a 67 dB o menos se pueden usar en cualquier momento del año.
- El horario de atención de lunes a viernes de 8 AM-8PM
Sábado, domingo, días de fiesta 9AM -8PM.

REGLEMENTO NEWTON LEAFBLOWER ACTUALES

- Impulsados por gas sopladores de hojas son permitidos, pero deben estar 65 máquinas de nivel de base de datos.
- El horario de atención de lunes a viernes 7AM-8PM S, D y vacaciones 9:30 - 8PM



LEAF BLOWERS AND BEST PRACTICES.

-What does "Best Practice" mean? It means using the leaf blower in a safe, courteous, responsible and effective manner.

-Follow local rules and ordinances about when to use leaf blowers. Do not use very early in the morning or very late in the day.

-Avoid using more than one blower at a time, especially in neighborhoods or around buildings where sound can be intensified.

-Don't blow leaves out onto the street or onto neighboring properties.

-Use the blower only when necessary and use the lowest possible throttle speed to do the job. Low throttle speeds significantly reduce noise, and they also provide the operator with maximum control. Full throttle is seldom necessary.

-Pay attention when using a leaf blower. Don't point an operating blower in the direction of people, pets or open doors and windows.

-Make sure bystanders, including other operators, are at least 30 feet away. Stop blowing if you are approached.

-Wear hearing protection.

-Use equipment that meets current (2006) EPA emissions standards for leaf blowers.

-Think about the neighbors and neighborhood you are working in. How can you improve their impression of your company and crew?



SOPRADORES DE FOLHAS (LEAF BLOWERS) E A MELHOR MANEIRA DE TRABALHAR COM ELES

-Qual é a melhor maneira? Trata-se de usar o soprador de forma segura, educada, responsável, fazendo uma limpeza bem-feita.

-Siga as regras e normas locais sobre quando se pode usar sopradores de folhas. Não é para utilizá-los de manhã cedo nem muito tarde, quando as pessoas já estão em casa e buscam tranquilidade.

-Evite utilizar mais de um soprador ao mesmo tempo, sobretudo em bairros ou perto de prédios onde o barulho pode ecoar muito.

-Não sopre as folhas para a rua nem para terrenos de vizinhos.

-Utilize o soprador apenas quando necessário e, para fazer a limpeza, ligue na velocidade mais baixa. A velocidade baixa reduz o barulho de forma significativa. Além disso, permite maior controle, para o operador. É desnecessária a velocidade máxima.

-Preste atenção, ao guiar um soprador de folhas. Não o aponte na direção de pessoas, animais de estimação ou portas e janelas abertas.

-Certifique-se de que esteja no mínimo a nove metros de distância de qualquer transeunte, inclusive de outros operadores de soprador. Se alguém se aproximar a você, desligue a máquina.

-Utilize protetores de ouvidos.

-Utilize equipamento que cumpre com os limites atuais (de 2006) da EPA, para emissões de sopradores de folhas.

-Tenha consciência dos moradores e do bairro onde você estiver trabalhando. Como pode contribuir para formar uma boa impressão de sua empresa e a equipe?



SOPRADORES DE LA HOJA Y MEJORES PRÁCTICAS

-¿Qué significa "Best Practice"? Significa utilizar el soplador de hojas de una manera segura, amable, responsable y eficaz.

- Seguir las reglas y ordenanzas locales respecto al uso de sopladores de hojas. No los utilice muy temprano en la mañana o muy tarde en el día.

- Evitar el uso de más de un ventilador a la vez, especialmente en los barrios o alrededor de los edificios donde el sonido se puede intensificar.

- No sople las hojas hacia la calle o hacia las fincas de los vecinos.

- Utilizar el ventilador sólo cuando sea necesario, y utilizar la menor velocidad posible para hacer el trabajo. Las velocidades bajas del acelerador reducen significativamente el ruido, y también proporcionan al operador un control máximo. El nivel máximo de aceleración no siempre es necesario.

- Prestar atención cuando se utiliza un soplador de hojas. No apunte con el soplador hacia las personas, mascotas, puertas o ventanas abiertas.

- Asegúrese de que los transeúntes, incluyendo otros operadores, estén por lo menos a 30 pies de distancia y pare el soplador si se están aproximando.

- Utilizar protección para los oídos.

- Utilice un equipo que cumpla con los estándares actuales de la EPA (2006) sobre emisiones para sopladores de hojas.

En general, piense en los vecinos y en el barrio donde está trabajando. ¿Cómo conseguir mejorar la impresión que los vecinos puedan tener de su empresa y de sus colaboradores?