



Programs & Services Committee Agenda

City of Newton **In City Council**

Wednesday, April 5, 2017

7:45PM

Council Chamber

Items Scheduled for Discussion:

A Public Hearing will be held on the following item:

#31-15(5) Citizens Petition to amend the noise ordinance relative to leaf blowers

PHILIP JEPSEN ET AL. submitting a petition, pursuant to Article 10, Section 2 of the City of Newton Charter, to amend Section 20-13, Noise Control, in the City of Newton Ordinances as it relates to dates and hours of operation of leaf blowers and types of leaf blowers allowed. [02/21/17 @ 8:37 AM]

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Items not Scheduled for Discussion at this meeting:

#82-17 **Citizens Petition requesting a resolution for Presidential impeachment inquiry**
CINDY CUBA CLEMENTS ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, for the City to adopt a resolution or other measure, such as the Model Local Resolution, calling upon the U.S. House of Representatives to open an investigation into the impeachment of President Donald. J. Trump. [03/27/17 @ 10:05 AM]

Referred to Finance and Appropriate Committees

#359-16 **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]

#31-15(6) **Amendment to noise ordinance relative to leaf blowers**
COUNCILOR LEARY proposing to amend Chapter 20, Restrictions on use of leaf blowers, to specify permitted hours of use of electric and battery powered leaf blowers from Memorial Day through Labor Day and to exclude, at all times, the use of gasoline or fuel-based generators to charge leaf blower batteries or to power electric leaf blowers. [03/13/17 @ 3:26PM]

#300-16 **Ordinance to register lobbyists**
COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton. [08/10/16 @ 3:11 AM]

#158-16 **Ordinance to require notice on gas pumps relative to climate change**
COUNCILORS NORTON AND SANGIOLLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles. [04/25/16 @ 9:02 AM]

#56-16 **Ordinance amendment to add statutory references to policy on housing practices**
COUNCILOR HESS-MAHAN requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance. [02/08/16 @ 1:51 PM]

- #34-13 Ordinance to prohibit polystyrene food/beverage containers**
ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

Referred to PS&T, Programs & Services, Public Facilities and Finance Committees

- #59-17 Appropriate \$350,000 for construction of a Parks & Recreation/Police building**
HIS HONOR THE MAYOR requesting authorization to appropriate three hundred fifty thousand dollars (\$350,000) from Overlay Surplus for the purpose of funding the construction of a new combined Parks & Recreation and Police Department facility to be located at the Elliot Street DPW yard. [02-17-17 @ 9:29 AM]

Referred to Programs & Services and Public Safety & Transportation Committees

- #46-17 Discussion regarding how community policing works**
COUNCILOR ALBRIGHT requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how “community policing” works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton. [02/20/17 @ 3:21 PM]
- #363-16 Amendment to the City Council Rules for yearly review of City Clerk’s salary**
PRESIDENT LENNON AND VICE PRESIDENT LAPPIN requesting an amendment to Article XI of the Rules and Orders of the City Council to require an annual review of the salary of the City Clerk/Clerk of the Council. [10/26/16 @ 3:58 PM]

Referred to Programs & Services and Public Facilities Committees

- #344-16 Discussion regarding oversight of all city/school buildings to improve efficiencies**
COUNCILOR LAPPIN requesting a discussion regarding the Public Buildings Department overseeing all public buildings, including School Department facilities, to improve efficiencies. [10/07/16 @ 10:47 AM]
- #301-16 Amendment to the Tree Preservation Ordinance**
COUNCILOR SANGIOLO requesting an amendment to the Tree Preservation Ordinance so that any tree removal requested by a city department be forwarded to the Urban Tree Commission and all tree removal requests under the Tree Preservation Ordinance be posted online to give residents and interested citizens notification. [08/09/16 @ 10:30 PM]
- #264-16 Ord. requiring Councilor notice of and involvement in street tree waiver requests**
COUNCILORS HESS-MAHAN, NORTON, KALIS, COTE, DANBERG, HARNEY, SANGIOLO, LEARY AND YATES requesting an ordinance requiring that Councilors from each respective ward be given notice and a meaningful opportunity to object to granting a hardship waiver or permit to remove a street tree. [07/21/16 @ 11:40 AM]

Referred to Land Use, Programs & Services, and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY
requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A [07/01/16 @2:09 PM]

Referred to Programs & Services, Public Facilities and Finance Committees

- #175-16** **Authorization to enter into a settlement agreement with National Grid.**
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]

Referred to Programs & Services and Public Facilities Committees

- #141-15** **Discussion on tracking the gas utility infrastructure in Newton**
ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT
requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.
05/26/15 @ 2:53 PM]

Referred to Programs & Services and Public Facilities Committees

- #201-15** **Discussion of the condition of the Kennard Estate on Dudley Road**
ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]
- #483-14** **Resolution to promote cooperative programs with food establishments**
PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham

Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56 PM]

Referred to Programs & Services and Finance Committees

- #216-14** **Ordinance amendment for notification of vacancy of unit and/or condo conversion**
ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO
 proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:
- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
 - require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
 - require a fee for certification; and
 - impose a fine for violation of these provisions. [05/14/14 @11:51 AM]
- FINANCE VOTED NO ACTION NECESSARY 7-0 12/14/15

- #398-13** **Discussion of complementary ordinance or regulations for Marijuana Dispensaries**
ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

UPDATE ITEMS:

Referred to Programs & Services Committees and Public Facilities

- #12-17** **Request for updates on the Library Expansion Project**
COUNCILORS CROSSLEY, ALBRIGHT AND BLAZAR requesting periodic updates from the Library Trustees and Library Director on the Library expansion project. [01/03/2017 @ 3:55 PM]

Referred to Programs & Services Committees and Public Facilities

- #13-17** **Request for updates on the Archive Expansion Project**
COUNCILORS CROSSLEY, ALBRIGHT, AND BLAZAR requesting periodic updates from the City Clerk on the Archives expansion project. [01/03/2017 @ 3:56 PM]

Referred to Programs & Services and Public Facilities Committees

- #27-16** **Updates from the Administration on the renovations at the Aquinas site**
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site. [01/10/16 @ 1:14 PM]

Referred to Programs & Services and Public Safety & Transportation Committees

- #312-15** **Update from Health Department on opiate overdose epidemic**
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide
- #377-14** **Discussion of proposed changes of use of the Senior Center**
THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43 PM]

Referred to Programs & Services and Public Facilities Committees

- #119-14** **Update from Inspectional Services on ADA compliance of City properties**
ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

Respectfully Submitted,

John B. Rice, Chair

EACH OF THE UNDERSIGNED REQUESTS THE NEWTON CITY COUNCIL TO AMEND THE NOISE ORDINANCE AS IT RELATES TO THE DATES, HOURS OF OPERATION AND TYPES OF LEAFBLOWERS AS DESCRIBED ON THE REVERSE SIDE OF THIS PETITION. EACH OF THE UNDERSIGNED CERTIFIES THAT HE/SHE IS A REGISTERED VOTER OF THE CITY OF NEWTON AND THAT HE/SHE HAS NOT SIGNED THIS GROUP PETITION MORE THAN ONCE.

PLEASE WRITE CLEARLY

CHECK	SIGNATURE	PRESENT ADDRESS	REGISTERED ADDRESS
	WRITTEN SIGNATURE OF VOTER; PROVIDED THAT A REGISTERED VOTER PREVENTED FROM WRITING BY PHYSICAL DISABILITY MAY AUTHORIZE ANOTHER PERSON TO WRITE HIS SIGNATURE AND ADDRESS	(STREET AND NUMBER)	(STREET AND NUMBER ON JANUARY 1, 2016) IF A VOTER WAS REGISTERED LATER THAN THIS DATE, THE REGISTERED ADDRESS ON SUCH LATER DATE SHALL BE USED
	Domenic Caruso	15 Duffield Road	Same
	Donna Caruso	15 Duffield Road	Same
	Andrew Caruso	15 Duffield Road	Same
	Kathryn Caruso	15 Duffield Road	SAME
	Maria Caruso	144 Webster St	SAME
	James Duffy	15 Williston Rd.	Same
	Cynthia Duffy	15 Williston Rd	Same
	Alex Davis	902 Water town St	Same
	Michael OToole	121 Crescent St.	Same
	Kevin OToole	121 Crescent St.	Same
	Kathleen OToole	121 Crescent St	Same
	John OToole	121 Crescent St	Same
	John Canning	2 Beech St	Same
	Patricia Canning	2 Beech St	Same
	Carmela Caruso	383 Cherry St	Same
	Bill Matell	41 Lodge Rd	Same
	Joseph Dardato	16 Princess Rd	Same
	Teresa Dardato	16 Princess Rd	Same
	Joe Antimelli	20 Jassett	Same
	Eric Fato	18 BARRIEAU CR	Same
	Cliff Jemel	17 Shamrock St	Same
	Daniel Centilucci	135 Norwood St.	Same
	John G. F.	993 Washington St	same
	Sue Holmes	802 Water town St	Same
	Ruby Lee	904 Watertown St	same
	Katie Walsh	151 Linwood Ave	SAME
	Richard Bradley	266 Cherry St.	Same
	Ellen Bradley	266 Cherry St	"
	Jessie Bradley	"	"
	Michael Bradley	266 "	"
	Allison Brady	266 " "	"

RECEIVED
Newton City Council

2017 FEB 21 AM 8:37

David A. Olson, CMC
Newton, MA 02459

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

that the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **CHAPTER 20, CIVIL FINES AND MISCELLANEOUS OFFENSES, Article II Noise** as follows:

1 Sec. 20-13. Noise control.

In January 17th 2017 the City Of Newton voted on a leaf blower ordinance that limited the times of day and year that a leaf blower can be used and also regulated the type of blowers. The landscapers have informed several city councilors that they are misinformed. Landscapers were not given the opportunity to have experts in the leaf blower industry to testify on the noise, pollution and health issues allegedly caused by blowers, even though every blower is certified by the EPA. A certain city councilor which will remain nameless was notified several times prior to the hearing that she was disseminating false information to the public and to other city councilors that were voting. This was misleading and unfair. We asked for sources and proof and were never answered. We would like to appeal the vote on leaf blowers, as we feel the decision makers were not well informed and do not understand our equipment, the way they work, and the various uses we and other industries have for them in addition to the schedule we follow.

Whether we use battery or electric blowers, we need a power source of some sort to either use or charge. Most battery operated blowers need up to 2-3 hours of charging for a MERE 20 minutes of use. We will need a generator constantly going to charge batteries and/or use for electric blowers, and we know that this is even louder than the blowers with more emissions that have been deemed "annoying" and "unhealthy." This is why we proposed the following...

We The Landscapers Suggest The Following: (Less Hours Of Use Than The Current Vote As It Stands)

January 1st to February 29th.....only 1 gas blower per property (>65dB(A))
March 1st to May 15th..... no more than 3 gas leaf blowers per property (>77dB(A))
May 16th to September 14th..... only 1 gas blower per property (>65dB(A))
September 15th to December 31st..... no more than 3 gas leaf blowers per property (>77dB(A))

Hours Of Use: (Less Hours Of Use Than The Current Vote As It Stands)

Monday – Friday 7:30am-5pm (refers to leaf blower use only)
Saturday 8am-5pm (refers to leaf blower use only)
Sunday 9:30am-2pm (refers to homeowner leaf blower use only)

Exemptions: (Same As Current Vote)

City of Newton may use blowers Monday – Friday starting at 5:30am for village greens
A minimum of thirty acres used for institutional or recreational purposes between 9:30a.m. and 12:00 p.m.

How This Current Vote Will Affect You

The current vote is actually worse for everyone. With the current ruling, the noise and pollution amount will stay the same or be greater due to generator use during the non-gas blower days. The amount of labor will have to increase significantly to get the work done in compliance, so everyone who lives in Newton will be affected since we all pay taxes and the cost to maintain the city will increase. Additionally, 70% of residents who use landscapers will be paying significantly more for their services as well. Currently there will be no lessening of noise in the summer months - this is because the focus and goals of the councilors were not aligned.

How Our Ordinance Will Be Better:

We propose a bill that limits the amount of leaf blowers used per property. We also reduced the number of days which you can use a leaf blower as well as the amount of daytime hours it can be used. Overall, our proposal is better for everyone. We can continue to do our job in a quick manner and move on, as opposed to using equipment that is 50-75% less powerful which will just increase the duration of a job with a 80dB(A) generator replacing a 65dB(A) blower. How does can one argue that the current ruling makes sense???

Our Compromise:

We the landscapers and Newton Residents are willing to reduce the number of daytime hours available to use a leaf blower. We are stressing that a small compact backpack or handheld gas leaf blowers are necessary for the summer and winter months to expedite the cleaning and clearing of all hardscapes. This will also allow for sealcoating, tree service, gutter cleaning, and construction companies to make their work satisfactory. Also, many homeowners, commercial spaces, and camps use powerful blowers during the summer months to dissipate water off tennis courts to eliminate the possibility of injury. It is imperative that we have access to the equipment we need at certain times of the year.

Final Point:

This current bill is one of the strictest regulations on leaf blowers in the entire United States. Many commercial properties and city and towns are exempt. In some cases, the city and towns are not only exempt, but they are allowed to use more powerful equipment than homeowners and landscapers (such as is the case in Brookline). The town of Arlington has recently retracted parts of their ban since they found it wasn't practical.

WE ENCOURAGE YOU TO VISIT NEWTONLEAVES.ORG AND CLICK THE TOP RIGHT CORNER TAB CALLED "RESOURCES" TO LEARN MORE **TRUE** FACTS WHICH ARE COMPLETED BY THE GOVERNMENT OPPOSED TO A PERSON WHO WROTE AN ARTICLE ONLINE WITH NO CREDENTIALS

ORIGINAL FILERS OF THIS PETITION

Nathan Sneider	634 Saw Mill Brook Parkway
Anna Sneider	634 Saw Mill Brook Parkway
Hilip Jepsen	43 Anthony Road
Hilip Jepsen	43 Anthony Road
Lia Jepsen	43 Anthony Road
Yle Jepsen	43 Anthony Road
Michael Butera	32 Elm Street
Hristine Butera	32 Elm Street
Andall Sneider	18 Sevlard Road
Nda Sneider	18 Sevlard Road

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	<i>Jonathan Sweider</i>	JONATHAN SWEIDER	634 Saw Mill Brook Pkwy	SAME
	<i>Janna Sweider</i>	Janna Sweider	634 Saw Mill Brook Pkwy	Same
	<i>Philip Jepsen</i>	Philip Jepsen	43 Anthony rd	Same
	<i>Philip Jepsen</i>	Philip Jepsen	43 Anthony Rd	Same
	<i>Maria Jepsen</i>	Maria Jepsen	43 Anthony Rd	Same
	<i>Kyle Jepsen</i>	Kyle Jepsen	43 Anthony Rd	Same
	<i>Michael Butera</i>	Michael Butera	32 Elm St	Same
	<i>Christine Butera</i>	Christine Butera	32 Elm St.	same
	<i>Randall Sweider</i>	RANDALL SWEIDER	18 Sevlard Rd	SAME
	<i>Linda Sweider</i>	LINDA SWEIDER	18 SEVLAND RD	SAME
	<i>Thomas P. Lydon</i>	Thomas P. Lydon	47 Anthony Rd #A	SAME
	<i>Celine Franco</i>	Celine Franco	215 Pearl Street	SAME
	<i>Angelo Georone</i>	Angelo Georone	215 Pearl Street	Same
	<i>Carol Jimas</i>	Carol Jimas	40 Anthony Rd	Same
	<i>Joseph Raso</i>	Joseph Raso	104 Albert Rd	Same
	<i>Karsten Raso</i>	Karsten Raso	104 Albert Rd	Same
	<i>Nick Raso</i>	Nick Raso	104 Albert Rd	Same
	<i>Lenny DeLuca</i>	Lenny DeLuca	92 ALBERT RD.	Same
	<i>Diane Davut</i>	Diane Davut	92 Albert RD	Same
	<i>Chris DeLuca</i>	Chris DeLuca	92 Albert RD	Same
	<i>David Fitzmaurice</i>	David Fitzmaurice	86 Albert Rd	Same
	<i>Andrea Mariano</i>	Andrea Mariano	103 Albert Rd.	Same
	<i>Nick Mariano</i>	Nick Mariano	103 Albert Rd	Same
	<i>Joseph DeLuca</i>	Joseph DeLuca	109 Albert Rd.	Same
	<i>Joseph DeLuca</i>	Joseph DeLuca	109 Albert Rd	Same
	<i>Stephen Davis</i>	Stephen Davis	26 Marshall St.	Same
	<i>Betsy Davis</i>	Betsy Davis	26 Marshall St	Same
	<i>Michael Barik</i>	Michael Barik	6 Kenyon St	Same
	<i>Steven Macanu</i>	Steven Macanu	21 Walnut St	Same

RECEIVED
Newton City Clerk
2017 FEB 21 AM 8:37
David L. Osofsky, Clerk
Newton, PA 02459

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2017 FEB 21 AM 8:37
David J. Oson, Clerk
Newton, MA 02459

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Monday – Friday 7:30am-5pm (refers to leaf blower use only)

Saturday 8am-5pm (refers to leaf blower use only)

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A minimum of thirty acres used for institutional or recreational purposes between 9:30a.m. and 12:00 p.m.

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ORIGINAL FILERS OF THIS PETITION

nathan Sneider	634 Saw Mill Brook Parkway
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ilip Jepsen	43 Anthony Road
ilip Jepsen	43 Anthony Road
a Jepsen	43 Anthony Road
le Jepsen	43 Anthony Road
chael Butera	32 Elm Street
ristine Butera	32 Elm Street
indall Sneider	18 Sevlard Road
da Sneider	18 Sevlard Road

Election Commission

#31-15(5)

Nancy M. Levine – Chair, John P. McDermott, Marjorie Ann Butler, Jan Huffman
David A. Olson – City Clerk

City of Newton



PETITION CERTIFICATION

Dear Petitioner,

RECEIVED
Newton City Clerk
2017 FEB 21 AM 9:14
David A. Olson, CMC
Newton, MA 02459
February 21, 2017

We have completed a review and certification of the signatures attached to your petition received on February 21, 2017 by the City Clerk's Office. It has been determined that you have a total of 56 verified signatures of the 50 required for a public hearing.

We are happy to be of service to you and if you need any further assistance please do not hesitate to contact Karyn Dean in our office at 617-796-1219.

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. A-100

January 17, 2017

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Chapter 20, CIVIL FINES AND MISCELLANEOUS OFFENSES, Article II Noise** as follows:

In **Sec. 20-13. Noise control.**

1. **Add** the following definition to paragraph (d) *Definitions*:

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, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

2. **Delete** in subsection 20-13(g)(3) the words “leaf blower,” after the word tractor in the third paragraph.

3. **Insert** a new paragraph (h) in Section 20-13 as follows:

(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 in each year, except that one 65 dB(A) electric or battery powered leaf blower per lot may be used during this period. 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: 7:00 a.m. – 5:00 p.m., except that the City of Newton, through its Parks and Recreation Department, shall be allowed to use leaf blowers prior to 7:00 a.m. for the sole purpose of maintaining city village centers.

Saturday: 8:00 a.m. – 5:00 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 5:00 p.m.; and except for operation of leaf blowers on contiguous lots under single ownership that total a minimum of thirty acres used for institutional or recreational purposes between 9:30 a.m. and 12:00 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;
- 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. Non-factory modifications are not permitted.

(3) 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.

(4) The provisions of section 20-13 (i) shall not apply to leaf blower operation.

And **reletter** paragraphs (h) to (i), (i) to (j), and (j) to (k).

4. **Insert** a new paragraph (l) in Section 20-13 as follows:

(l) *Enforcement.* The Newton Police Department and the Inspectional Services Department shall be responsible for enforcement of this ordinance. Each department shall document the disposition of all complaints by written report available to the public. The written report shall clearly indicate whether the complaint resulted in a warning or fine. If a warning or fine was not issued for a complaint, the responding city employee shall clearly indicate the reason.

And **reletter** paragraph (k) to (m).

4. **Insert** a new paragraph (n) in Section 20-13 as follows:

(n) 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.

And **reletter** paragraph (l) to (o).

Approved as to legal form and character:



DONNALYN LYNCH KAHN

City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

20 yeas 4 nays (Councilor Cote, Gentile, Harney & Lappin)

EXECUTIVE DEPARTMENT

Approved:



(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor