

Ordinance No.: 19-07
Introduced: June 12, 2019
Adopted:
Effective

TOWN OF CHEVY CHASE

SUBJECT: AN ORDINANCE TO AMEND SECTION 15-40 OF THE TOWN CODE TO EXTEND THE QUIET HOURS FOR GASOLINE-POWERED LEAF BLOWERS

WHEREAS, Section 5-202 of the Local Government Article of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as deemed necessary in order 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; and

WHEREAS, the Town Climate and Environment Committee has recommended that the Town Council expand the quiet hours for gasoline-powered leaf blowers; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 12th day of June, 2019; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the ___th day of _____, 2019; and

WHEREAS, upon consideration of the recommendation of the Climate and Environment Committee, and the testimony and evidence presented at the public hearing, the Town Council finds that the quiet hours for gasoline-powered leaf blowers should be expanded; and

WHEREAS, the Town Council finds that the following ordinance is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

SECTION 1. BE IT ORDAINED AND ORDERED, this ___th day of _____, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that the Town Code is amended to read as follows:

Sec. 16-1 - Noise restrictions.

The following provisions shall apply in the Town of Chevy Chase in addition to the provisions of chapter 31B of the Montgomery County Code:

(1) No construction activities shall commence prior to 7:00 a.m. on weekdays, and 9:00 a.m. on weekends and all federal holidays. Construction activities shall end no later than 7:00 p.m. on all days. As used herein, "construction activities" means temporary activities directly associated with site preparation, assembly, erection, repair, alteration, renovation, construction, or demolition of improvements, or other similar activities including, but not limited to, moving heavy equipment, delivering materials, loading or unloading, operating equipment with audible "back-up" warning devices, and allowing engines to idle.

(2) Special noise limits. ~~It shall be unlawful for any person to engage in, or permit another to engage in, the following conduct:~~

a. **Leaf blowers.** Except in an emergency, **it shall be unlawful for any person to operate, or permit another to operate a gasoline-powered leaf blower** ~~operate more than one (1) piece of outdoor landscaping power equipment~~ on a property between the hours of 7:00 p.m. and 8:00 p.m. **9:00 a.m. on weekdays, weekends, and all federal holidays.** **Electric or battery-powered leaf blowers may be operated between the hours of 8:00 a.m. and 8:00 p.m. on weekdays, weekends, and all federal holidays;**

b. **Other Outdoor Landscaping Power Equipment.** Except in an emergency, **it shall be unlawful for any person to** operate outdoor landscaping power equipment after 8:00 p.m. or before 8:00 a.m. on weekdays or after 7:00 p.m. or before 9:00 a.m. on weekends and all federal holidays; ~~e.~~ As used herein, "outdoor landscaping power equipment" means motorized equipment such as a lawn mower, chainsaw, ~~leaf blower~~ or other similar equipment. "Outdoor landscaping power equipment" does not include motor vehicles or fixtures such as air conditioners, heat pumps, back-up generators and similar equipment attached to a building.

(3) Penalties. Violation of any provision of this chapter shall be a municipal infraction. Any person or persons guilty of a municipal infraction shall be subject to a fine in the amount specified below:

- a. First violation \$200.00
- b. Second violation 400.00
- c. Third violation 1,000.00

d. Any person who violates this chapter or directs or allows another to commit an act that violates this chapter, the person's employer if the person acted in the course of his or her employment, and any property owner who allows a violation of this chapter on his or her property shall be guilty of a violation and shall be jointly and severally subject to the penalties provided in subsections a. through c. If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation.

(4) An enforcement officer may issue a municipal infraction citation for any violation of this chapter if the enforcement officer:

- a. Witnesses the violations; or
- b. Receives written complaints from at least two (2) witnesses, who are not residents at the same address, of a noise disturbance. Complaints by two (2) witnesses are required to issue a citation under this paragraph, but are not required to prove that a person violated this chapter. The complainants must be willing to testify in court, if required.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this ___th day of _____, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter that, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the ___th day of _____, 2019 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Wicca Davidson, Secretary

Barney Rush, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Strike through~~ indicates material deleted
* * * indicates material unchanged