

DRAFT FRAMEWORK – FOR DISCUSSION ONLY

Chapter 8.05

Prohibition [Limitations on Use] of Gas-Powered Leaf Blowers

8.05.010 Purpose.

The purpose of this chapter is to protect the peace, health, safety, and welfare of persons in the City of Medina and to promote the city's sustainability goals by reducing noise, pollution, and other negative effects from gas-powered leaf blowers.

8.05.020 Definitions.

For purposes of this chapter, the terms below have the following meaning:

A. “City” means the City of Medina.

B. “Leaf blower” means a machine, powered by a gasoline engine or electric motor, used to blow, displace, or vacuum leaves, dirt, and/or debris.

1. “Electrically-powered leaf blower” means any leaf blower, leaf vacuum or other leaf gathering device powered by electric means, including but not limited to battery-powered leaf blowers and cordless rechargeable leaf blowers.

2. “Gas-powered leaf blower” means any leaf blower, leaf vacuum or other leaf-gathering device directly powered by an internal combustion or rotary engine using gasoline, alcohol or other liquid or gaseous fluid. Lawn mowers, lawn edgers and electrically powered leaf blowers are not included in this definition.

C. “Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

8.05.030 Prohibition of use of portable gasoline engine powered blowers; exceptions. (Option – Seasonal Ban as Permanent Regulation shown in red)

A. *Prohibition.* It shall be unlawful for any person within the City limits to use or operate any gas-powered leaf blower after the date set forth in MMC 8.05.070, **except between October 1 and March 31 of each year.**

B. *Special use exception.* Identify any special use exceptions (i.e. roof cleaning in the autumn).

C. *Emergency exemption.* The use of gas-powered leaf blowers shall be permitted during emergencies, such as major storms. In such case, the use of gas-powered leaf blowers shall only be permitted during the emergency and for the seven calendar days that follow the end of such emergency.

8.05.040 Phase in; Seasonal Use. (Option: if seasonal ban going forward, delete subsection A of this section)

A. [If seasonal ban is temporary] *Seasonal allowance during phase-in.* During the first **XX** years of the effective date of this chapter, gas powered leaf blowers shall be permitted between October 1 and March 31.

B. *Warnings during phase-in.* During the first **XX** [months/years] of the effective date of this chapter, people found violating this chapter shall be given a written warning and provided with information about this chapter and the prohibition of using gas powered leaf blowers in Medina, including being provided educational materials about this chapter.

8.05.050 Blowing debris outside of property or into street prohibited.

It shall be a violation of this chapter for any person to use any type of leaf blower to move debris from one property to another without the express permission of the receiving property owner. This section includes prohibiting the blowing of debris from private property onto any city property or onto city right of way.

8.05.060 Penalties and enforcement.

A. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

B. If it is determined a violation of this chapter has occurred, enforcement shall be as set forth in Chapter 1.15 MMC. Either the property owner or the leaf blower operator, or both, may be held responsible for violations of this chapter. [Option: make only the property owner or only the operator responsible. Enforceability is easier against the property owner.]

C. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

D. Any violation of this chapter is hereby declared to be a nuisance.

E. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the City. Nothing in this chapter shall create a right of action in any person against the City or its agents to compel public enforcement of this chapter against private parties.

8.05.070 Operative date.

This chapter shall become operative as to any person on **MONTH DAY, 202X**.

8.05.080 No conflict with Federal or State law.

Nothing in this chapter is intended to or shall be interpreted as conflicting with any Federal or State law or regulation.