

TOWN OF CHEVY CHASE
COUNCIL MEETING
July 8, 2020, 7 p.m.

- I. GENERAL BUSINESS (7:00-7:45 p.m.)
 - A. Call to Order
 - B. Approval of Meeting Minutes
 - C. Acceptance of June 2020 Financial Report
 - D. [Town Manager's Report](#)
 - E. Public Comments
 - F. Special Public Comment Period on Proposed Total Ban of Gas-Powered Leaf Blowers

- II. PUBLIC HEARINGS (7:45-8:30 p.m.)
 - A. [Public Hearing on an Ordinance to Limit the Permissible Days of Operation of Gas-Powered Leaf Blowers](#)

- III. OTHER BUSINESS (8:30-8:45 p.m.)

- IV. ADJOURNMENT (8:45 p.m.)

How to Join the Council Meeting via Zoom[®]

Join Online:

<https://us04web.zoom.us/j/3016547144>

Meeting ID: 301 654 7144

Join by Phone:

301-715-8592

Meeting ID: 301 654 7144

MEMORANDUM

I-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: July 8, 2020

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Continued oversight of:
 - Town-wide traffic study.
 - Zimmerman Park redevelopment project.
 - Washington Gas main replacement work and related road repairs.
- Managed response to June 5 flooding in Town and communicated with the County's Department of Transportation regarding analysis and remediation of storm drainage problems.
- Met with Councilmember Lane about Zimmerman Park development and outreach plan.
- Assisted with organizing Council "Listening Sessions."
- Prepared FY22 Community Parks & Playgrounds development application.
- Continued enforcement of overgrown vegetation.
- Assisted with obtaining information, and responding to resident complaints and inquiries, related to the Purple Line project.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted Community Relations Committee with planning for July 4 activities and other events.

**Town of Chevy Chase
Leaf Blower Ordinance**

Ordinance No.: 20-06
Introduced: June 10, 2020
Adopted:
Effective:

SUBJECT: AN ORDINANCE TO AMEND SECTION 15-40 OF THE TOWN CODE TO LIMIT THE PERMISSIBLE DAYS OF OPERATION OF 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 consider a phased-in ban; 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 10th day of June, 2020; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the ____ day of _____, 2020; 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 permissible days of operation of gasoline-powered leaf blowers should be restricted; 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 _____, 2020, 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) **Construction.** It shall be unlawful to engage in construction activities before 7:00 a.m. on weekdays or 9:00 a.m. on weekends and all federal holidays, and after 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) Landscaping.

a. Gasoline-powered.

- (i) It shall be unlawful to operate a gasoline-powered leaf blower **at any time on Sundays after September 1, 2020 and at any time on weekends and all federal holidays after January 1, 2021, provided, however, no citations shall be issued prior to January 1, 2022. On all other days, it shall be unlawful to use gasoline-powered leaf blowers** before 9:00 a.m. and after 7:00 p.m., ~~on all days.~~
- (ii) It shall be unlawful to operate other gasoline-powered landscaping equipment before 8:00 a.m. on weekdays, before 9:00 a.m. on weekends and all federal holidays, after 8:00 p.m. on weekdays, and after 7:00 p.m. on weekends and all federal holidays.

- b. Electric or Battery-powered. It shall be unlawful to operate electric or battery-powered landscaping equipment before 8:00 a.m. on weekdays, before 9:00 a.m. on weekends and all federal holidays, and after 8:00 p.m. on all days.
- c. As used herein, "landscaping equipment" means motorized equipment such as a lawn mower, chainsaw, leaf blower, weed trimmer, or other similar equipment operated outdoors. "Landscaping 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) **Enforcement.** 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, 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) To assist the public in understanding the permissible hours of operation for landscaping equipment, the following table may be published by the Town Manager:

	Permissible Hours	
Construction activities	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 7:00 am to 7:00 pm	From 9:00 am to 7:00 pm
Landscaping equipment		
Gas-powered leaf blower	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 9:00 am to 7:00 pm	From 9:00 am to 7:00 pm* *But not on Sundays, effective September 1, 2020, and not on weekends and federal holidays, effective January 1, 2021
All other gas-powered equipment	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 8:00 am to 8:00 pm	From 9:00 am to 7:00 pm
All electric or battery-powered equipment	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 8:00 am to 8:00 pm	From 9:00 am to 8:00 pm

Effective _____, ____ 2020

(2) 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

(3) This ordinance shall take effect on the __ day of _____, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

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