

**Town of Chevy Chase  
Gasoline-Powered Blower Ordinance**

Ordinance No.: 2024-01  
Introduced: December 13, 2023  
Adopted: January 10, 2024  
Effective: February 9, 2024

**SUBJECT: AN ORDINANCE TO PROHIBIT OPERATION OF  
GASOLINE-POWERED 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, 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 on the 13<sup>th</sup> day of December 2023 and held a public hearing on the following ordinance in public session assembled on the 10<sup>th</sup> day of January 2024; and

WHEREAS, on September 26, 2023, the Montgomery County Council adopted Bill 18-22 which prohibits the use of gas-powered leaf blowers and leaf vacuums starting July 1, 2025; and

WHEREAS, the cost of electric or battery-powered equipment has become and continues to be more competitive compared to the cost of gas-powered equipment; 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 operation of gasoline-powered 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 10<sup>th</sup> day of January 2024, 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, or 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.

1. ~~Restrictions, effective dates.~~

~~a. Restrictions applicable through December 31, 2020. It shall be unlawful to operate a gasoline powered blower before 9:00 a.m. and after 7:00 p.m., on all days.~~

~~b. Restrictions applicable starting January 8, 2021. It shall be unlawful to operate a gasoline powered blower before 10:00 a.m. on weekdays, before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.~~

~~c. Restrictions applicable starting January 1, 2022. It shall be unlawful to operate a gasoline-powered blower at any time on any day from the 1st day of January through the 14th day of October. From the 15th day of October through the 31st day of December, it shall be unlawful to operate a gasoline powered blower before 10:00 a.m. on weekdays,~~

~~before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.~~

2. 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.

**3. Contractors, employees, and agents of the town are exempt from these restrictions from the 15th day of October through the 31st day of December, 2024.**

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, 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.

d. As used herein, "gasoline-powered blower" means handheld, backpack, or similar equipment used to perform landscaping including, but not limited to, the blowing, vacuuming, or moving of grass, leaves, or other debris. "Gasoline-powered blower" does not include a snow blower or blower used to spray herbicide, pesticide, or fertilizer.

(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. 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.

(Res. No. 10-01, 2-18-10, eff. 3-20-10; Ord. No. 19-08, § 1, 7-16-19, eff. 9-1-19; Ord. No. 20-08, § 1, 12-9-20, eff. 1-8-21)

\* \* \*

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	
<b>Construction activities</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 7:00 am to 7:00 pm	From 9:00 am to 7:00 pm
<b>Landscaping equipment</b>		
<b>Gas-powered blower</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	Prohibited at all times	Prohibited at all times
<b>All other gas-powered equipment</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 8:00 am to 8:00 pm	From 9:00 am to 7:00 pm
<b>All electric or battery-powered equipment</b>	<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 February 9, 2024

(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 9<sup>th</sup> day of February 2024 (30 days after adoption).

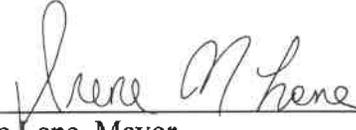
(4) Section 16-1(2)a.3, concerning the exemption for Town contractors, employees, and agents, is adopted as an interim measure and shall automatically expire and be abrogated and of no further force or effect, on the 1<sup>st</sup> day of January 2025, with no further action being required by the Town Council.

ATTEST:



Stephanie Martz, Secretary

TOWN OF CHEVY CHASE



Irene Lane, Mayor  
Town of Chevy Chase

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