

SUMMARY OF PROPOSED ORDINANCE

Summer May 16 - October 14	Fall Cleanups Oct. 15 – Nov. 30	Spring Cleanups Apr. 1 – May 15	Winter Dec. 1 – Mar. 31
<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted— • Electric/Battery-Powered Leaf Blowers permitted
<p>Additional Restrictions:</p> <ul style="list-style-type: none"> - No Leaf Blower (regardless of power source) may be used before 9:00 am or after 5:00 pm - No more than one (1) Gas-Powered Leaf Blower may be used simultaneously at any site in Westport that is less than three acres in size. No more than two (2) Leaf Blowers (regardless of power source) may be used simultaneously at any site in Westport. - No GLB shall be used on any state or federal holiday. <p>Exceptions:</p> <ul style="list-style-type: none"> - if a town, state, or federal authority declares an emergency, then Gas-Powered Leaf Blowers and/or Electric/Battery-Powered Leaf Blowers may be used as necessary <p>Fines:</p> <ul style="list-style-type: none"> - no fine for first warning (Note: property owner is responsible) - \$100 for first offense (after a warning) - \$200 for a second offense - \$250 for a third or subsequent offense 			

DRAFT LEAF BLOWER ORDINANCE

CHAPTER 67

67-1. Purpose.

Consistent with the municipal powers granted under sections 7-148(c)(7) and (10) of the Connecticut General Statutes, including the protection of the health and safety of residents and abatement of nuisances, it is the intent of this ordinance to set specific controls on the use of Leaf Blowers, in particular Gas-Powered Leaf Blowers.

The Town of Westport finds and declares that:

- (1) Leaf Blowers represent a significant and increasing threat to the public peace and to the health, safety, and welfare of the residents of Westport and visitors due to the noise and carbon and noncarbon emissions generated by such machines and due to the dissemination and displacement of ground source matter caused by such machines.
- (2) Noise generated by Leaf Blowers—and especially by Gas-Powered Leaf Blowers—travels great distances and has the effect of interfering with the psychological and physical well-being of persons, as they generate noise at high decibel levels, exposure to which is recognized to have severe adverse health effects, including hearing loss, tinnitus, reduced cognitive performance and concentration, heart disease, and hypertension.
- (3) Leaf Blowers displace significant amounts of ground source matter, spreading dust, pollen, mold, pesticides, herbicides, and other particulates.
- (4) Leaf Blowers can cause landscape debris to be deposited onto public roadways, town rights-of-way, storm drains, and adjoining properties.
- (5) Gas-Powered Leaf Blowers are recognized as hyper-polluters, emitting significant carbon and noncarbon emissions, including fine particulate matter which is a known carcinogen and hazard to human health.
- (6) The noise from Gas-Powered Leaf Blowers is especially problematic since it has the ability to penetrate structures due to the strong low frequency component of the sound waves they produce.
- (7) Although Electric-Powered Leaf Blowers are generally quieter than Gas-Powered Leaf Blowers, they can still present a danger to the public in terms of noise and the distribution of ground source matter, including dust, pollen, mold, pesticides, herbicides, and other particulates.
- (8) Accordingly, it is the policy of the Town to regulate the use of all Leaf Blowers, and especially Gas-Powered Leaf Blowers, to minimize their use and mitigate the harmful impacts of such machines.

67-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

“Leaf Blower” shall mean any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

“Gas-Powered Leaf Blower” shall mean any Leaf Blower that is powered by an internal combustion engine utilizing gasoline, diesel, or any other similar fuel.

“Electric-Powered Leaf Blower” shall mean any Leaf Blower that is powered by electricity utilizing a plug-in cord or battery power.

67-3. Restrictions on Leaf Blower Activity.

(a) During the period from May 16 through October 14: (i) no person shall operate or cause or permit to be operated any Gas-Powered Leaf Blower on any public or private property in the Town of Westport; and (ii) Electric/Battery-Powered Leaf Blowers are permitted.

(b) During the period from October 15 through November 30 and during the period from April 1 through May 15: (i) persons may use Gas-Powered Leaf Blowers on public and private property in the Town of Westport; and (ii) Electric/Battery-Powered Leaf Blowers are permitted.

(c) During the period from December 1 through March 31: (i) no person shall operate or cause or permit to be operated any Gas-Powered Leaf Blower on any public or private property in the Town of Westport; and (ii) Electric/Battery-Powered Leaf Blowers are permitted.

(d) No Leaf Blowers (whether Gas-Powered or Electric-Powered) may be used before 9:00 a.m. or after 5:00 p.m.

(e) No more than one (1) Gas-Powered Leaf Blower may be used simultaneously at any site in Westport that is less than three acres in size. No more than two (2) Leaf Blowers (regardless of power source) may be used at any site in Westport.

(f) No Gas-Powered Leaf Blower may be used on any state or federal holiday.

(g) Notwithstanding the provisions of Section 67-3 (a)-(f), the use of Gas-Powered Leaf Blowers and/or Electric-Powered Leaf Blowers shall be permitted if a town, state, or federal authority determines that an emergency situation exists in the Town.

(h) Nothing contained in the Chapter 67 shall prevent or limit the right of any resident to bring a suit against a third party for damages or equitable relief in connection with the use of a Leaf Blower, including without limitation, a suit based on nuisance.

67-4. Enforcement.

(a) Authority. The Police Department is hereby authorized to enforce violations of this article as provided in this section.

(b) Complaints. If, in the reasonable judgment of a person, there is a violation of the provisions of this article, the following procedures shall be followed: Such person may give written or email notice to the Police Department, with a copy (by certified mail, return receipt requested, or any other method of delivery providing proof of delivery) to the owner of the property upon which the alleged violation occurred. Such notice shall describe the particulars of the alleged violation and shall include photographic, audio, or other evidence of the violation, if available.

- (c) Investigation. The Police Department shall be required to investigate all such complaints and shall notify all parties of its conclusions within fourteen (14) days of receipt of the complaint.
- (d) Notice of Violation and Penalties.
 - i. If the Police Department determines that a violation occurred, it shall notify the offending property owner in writing. The notice of violation shall state whether this is a warning or a first or a subsequent violation.
 - ii. Warning for Initial Violations. The notice of violation for the first violation shall be a written warning. Such notice of violation shall also notify the offending property owner that any subsequent violations shall be subject to the issuance of a citation and the penalties set forth below.
 - iii. Penalties for Subsequent Violations. After issuing a warning as provided above, the Police Department may issue a citation for subsequent violations and impose a fine of \$100 for the first citation, \$200 for the second citation, and \$250 for the third and any subsequent citation. The penalties shall be payable to the town. The penalties shall be in addition to any other remedies available at law or in equity, including without limitation, injunctive relief. Repeat offenders shall be issued additional citations without first receiving a new notice of violation.
- (e) Issuance of Citation.
 - i. Any citation issued by the Police Department shall state:
 - A. A description of the violation.
 - B. The amount of the fine plus such other penalties, costs and/or fees due for each violation.
 - C. That the uncontested payment of such fine(s), penalties, costs and/or fees shall be made within ten (10) days of the date of the citation.
 - D. That such person may contest the liability before a citation hearing officer by delivering in person or by mail within ten (10) days of the date of the citation a written demand for a hearing.
 - E. That if such a hearing is not demanded, it shall be deemed an admission of liability and an assessment and judgment shall be entered against the person, and that such judgment may issue without further notice.
 - ii. Any notice of violation or citation issued hereunder shall be sent to the person named in the citation by certified mail, return receipt requested and simultaneously by First Class United States Postal Service mail.
 - iii. Once a written demand for a hearing has been received by the Police Department, no additional citations shall be issued for the violation, until after the conclusion of the hearing procedure as set forth in subsection 67-4(e)i hereof.
- (f) Hearing Procedure for Citations.
 - i. This hearing procedure for citations under this article is hereby established in accordance with C.G.S. § 7-152c.
 - ii. The First Selectman shall appoint one or more hearing officers, other than any employee of the town, to conduct the hearings resulting from violations of this article. Any assessment by a hearing officer shall be entered as a judgment against the violator.
 - iii. All procedures for notices, payment, hearings, assessments, judgments, and appeals shall be conducted in accordance with the provisions of C.G.S. § 7-152c(c) through (g).

67-5. Effective Date.

The provisions of this Chapter 67 shall become effective on July 1, 2021.

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