
 <b>Cambridge Police Department</b>	<b>POLICY &amp; PROCEDURES</b>		<b>No. 481</b>	
	Subject/Title: <b>Leaf Blower Ordinance</b>			
	Issuing Authority: 	Issue Date: <b>July 1, 2008</b>	Effective Date: <b>July 1, 2008</b>	Review Date:
	Robert C. Haas Police Commissioner	Rescinds: <b>New Policy</b>		
References/ Attachments: <b>Cambridge Municipal Code Section 8.16.081</b>		Accreditation Standards:		

**I. PURPOSE:**

The purpose of this directive is to:

- Provide an overview of the City's Leaf Blower ordinance;
- Explain the role and responsibilities of the Cambridge Police Department as it relates to the enforcement of this ordinance; and
- Provide guidelines on how officers will respond and address complaints that may be referred to this department.

**II. POLICY:**

It is the policy of this department that officers who either observe a violation of the City's leaf blower ordinance or respond to a complaint of a violation of this ordinance shall take appropriate enforcement action for the violation, including initiating a police report and/or issuing a citation, as the situation may dictate.

**III. DEFINITIONS:**

- A. Portable Leaf Blower:** A portable leaf blower is defined as handheld or back pack style equipment that is powered by fuel or electricity and is used for landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

- B. Commercial Leaf Blower Operator:** A commercial leaf blower operator is defined as any entity or organization that employs two or more employees that receives income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower. Municipal operators and municipal contractors are excluded from this definition.

#### IV. GENERAL CONSIDERATIONS AND GUIDELINES:

As of March 1, 2008, the City's new Leaf Blower Ordinance took effect (see attached *Ordinance Number 1311*). As outlined within Cambridge Municipal Code Section 8.16.081, the ordinance significantly impacts the use of portable leaf blowers throughout the city, by setting forth the permissible seasonal periods and hours of operation; the types of leaf blowers permitted; equipment standards; and the number of leaf blowers allowed to operate based on size of the property. The city ordinance also provides for certain exemptions from the ordinance.

The Ordinance will be enforced by the Cambridge Police Department, the Department of Public Works, the Inspectional Services Department, as well as the License Commission. This set of procedures has been promulgated in order to establish a uniform standard of enforcement and to ensure that referrals are made in a timely fashion to the various agencies charged with enforcement of the ordinance.

##### **Prohibited Use Periods**

The use of portable leaf blowers is prohibited from January 1<sup>st</sup> until March 14<sup>th</sup>, and from June 16<sup>th</sup> until September 14<sup>th</sup> each year.

##### **Permissible Use Periods**

During permissible periods of use (March 15 – June 15, and September 15 – December 31), the following limitations apply:

1. No leaf blowers may be used on Sundays or Legal holidays, except for Columbus Day and Veterans Day (for limited hours).
2. Leaf blowers may be used only during certain hours.
  - a. Monday – Friday: use is limited to the hours between 8:00 a.m. and 5:00 p.m.
  - b. Saturdays: use is limited to the hours between 9:00 a.m. and 5:00 p.m.
  - c. Columbus Day: Use is limited to the hours between 12:00 Noon until 5:00 p.m.;
  - d. Veteran's Day: use is limited to the hours between 1:00 p.m. until 5:00 p.m.

Given the number of city departments that are involved in the oversight and enforcement of this ordinance, coordination between the various city departments is essential. The actual enforcement of the ordinance is a shared responsibility between the License Commission, the Department of Public Works, the Inspectional Services Department, and the Police Department. The License Commission will be responsible for handling many of the technical aspects of the ordinance. Much of the actual enforcement of the ordinance will fall to the police department after normal business hours, on weekends, and during Legal holidays.

## V. EXEMPTIONS

The City Council, in enacting the leaf blower ordinance, expressly recognized that a total ban on the use of leaf blower equipment would create an undue hardship on the City's ability to remove leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees, shrubs, and other types of litter and debris from streets, sidewalks, cemeteries, large recreational facilities and other open spaces and to clean and maintain such facilities. Accordingly, in certain circumstances, with prior City approval, the use of leaf blowers may be permitted notwithstanding the operation of the ordinance, for example, by municipal operators and municipal contractors performing leaf blower operations in Mayor Thomas W. Danehy Park, Fresh Pond Reservation, Thomas P. O'Neil, Jr. Municipal Golf Course at Fresh Pond, Cambridge Municipal Cemetery, Old Burial Ground, or performing emergency operations and clean ups associated with storms, hurricanes and the like. Likewise, in certain circumstances, leaf blower operations on one or more adjoining parcels of land in common ownership that together comprise a total of two (2) acres or more, may be exempt from the ordinance with prior approval of the City Manager.

If an exemption is claimed, officers should contact the ECC/License Commission (?) to confirm whether or not a leaf blower operator's activities have been deemed exempt from the leaf blower ordinance.

## VI. ENFORCEMENT PROCEDURES:

- A. **General Enforcement:** Whenever an officer observes an individual operating a portable leaf blower on days and/or during times of day when such operation is prohibited, the officer should advise the individual of City's ordinance and advise the individual to cease operation. In addition, the officer should obtain the name of the individual in violation of the ordinance. If the subject is a commercial leaf blower operator or employed by said operator, the officer should obtain the name of the commercial entity or organization. This information should be furnished to the ECC.

1. If the individual fails to comply with the officer's instruction, a police report should be initiated, and the officer is expected to take the appropriate enforcement action in consultation with the sector supervisor.
2. If the officer is unsure if the actions being witnessed constitute a violation, the officer should seek direction from the appropriate sector patrol supervisor as to what action, if any, should be taken.
3. Any reports written in connection with the violation of the City's Leaf Blower ordinance should be forwarded to the License Commission for further follow up action.
4. Any technical violations of the City's ordinance which would require some immediate follow up should be reported through the on-call License Commission enforcement officer through the ECC. Normally, any after hour contact to the License Commission enforcement officer should be made only if immediate action is required.

**B. Complaint Received Through the ECC:** Generally, whenever the ECC receives a complaint of prohibited use of a leaf blower, ECC personnel will attempt to ascertain whether a violation is actually taking place prior to dispatching an officer to respond to the complaint. If a violation of the ordinance is confirmed, officers should take the following actions:

1. Confirm that the City's ordinance is being violated.
2. Speak to the individual(s) engaged in the violation of the ordinance. Advise them of the violation and obtain the names of any individual(s) committing the violation, along with the name of the company with which they are employed, if any.
3. Furnish the information obtained to the ECC. ECC will record this information and will forward it to the License Commission for appropriate follow up action.
4. If the individual refuses to comply with the officer's direction to cease operation of a leaf blower, the officer should request a file number for the purpose of documenting the incident in a police report, and, in consultation with the appropriate sector supervisor, take appropriate enforcement action.
5. If there is uncertainty as to whether the reported activity constitutes a violation of the City's ordinance, the sector supervisor should confer with the License Commission enforcement officer who can be reached through the ECC.

6. If the reported activity is exempt from the City's Ordinance, the officer should attempt to contact the reporting party and notify said person of the exemption.
7. All police reports generated as a result of a Leaf Blower Ordinance violation should be forwarded to the License Commission for appropriate follow up action.