

Clerks Note: The effective date for this bill has been updated to January 8, 2024. Under Section 2 of this Act, subsection (e) of Section 31B-9 (added under Section 1 of this Act) will be effective as of July 1, 2024, and subsection (f) of Section 31B-9 (added under Section 1 of this Act) will be effective as of July 1, 2025.

CORRECTED COPY

Bill No. 18-22
Concerning: Noise Control – Leaf
Removal Equipment - Amendments
Revised: 09/27/2023 Draft No. 5
Introduced: June 28, 2022
Enacted: September 26, 2023
Executive: October 9, 2023
Effective: January 8, 2024
Sunset Date: None
Ch. 31, Laws of Mont. Co. 2023

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) prohibit the sale and use of combustion engine-powered leaf blowers and leaf vacuums by a certain date;
- (2) authorize a grant program to partially offset the cost of replacing a combustion engine-powered leaf blower or leaf vacuum with an electric leaf blower or leaf vacuum;
- (3) exempt from the prohibition against use of gas leaf removal equipment for agricultural producers;
- (4) require an annual report by the Department of Environment; and
- (5) generally[[, revise]] amend the law regarding noise control.

By amending

Montgomery County Code
Chapter 31B, Noise Control
Sections 31B-9, 31B-10, and 31B-12

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 31B-9, 31B-10, and 31B-12 are amended as follows:

31B-9. [Leafblowers] Leaf removal equipment.

* * *

(e) Sale of combustion leaf removal equipment – prohibited. A person must not sell or offer for sale a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum.

(f) Use of combustion leaf removal equipment – prohibited. A person must not use a combustion engine-powered handheld, backpack, or walk-behind leaf blower or leaf vacuum.

(g) Reimbursement. Subject to an appropriation by the County Council,[[The]] the Director [[may]] must establish a time-limited program based on criteria set by regulation to partially reimburse County residents and businesses that purchase electric leaf blowers or leaf vacuums [[to replace combustion engine-powered leaf blowers or leaf vacuums]].

[[~~(1)~~]] (h) Application for reimbursement. To receive reimbursement under subsection (g), [[an owner of a combustion engine-powered leaf blower or leaf vacuum]] an applicant must apply to the Director in a form prescribed by the Director [[and deliver the combustion engine-powered leaf blower or leaf vacuum to the County]].

(i) Regulations. Not later than March 30, 2024, the County Executive must transmit to the Council Method (1) regulations to establish the reimbursement program under subsection (g).

[[~~(h)~~]] (j) An enforcement officer may issue a civil citation under this Section if the Director receives a complaint of a noise disturbance supported by photographic evidence of a violation of subsection (f).

27 (k) Annual reporting. By February 1 of each year, the Director must submit
28 to the Council an annual report for the preceding year on the successes or
29 challenges of the reimbursement program, outreach activities, statistical
30 data related to enforcement, new technology trends for electrification of
31 lawn care equipment, and any recommended changes to the law or
32 operating budget. The Council may request the Director to provide
33 additional information, as needed.

34 **31B-10. Exemptions.**

35 * * *
36 (c) Section 31B-9 of this Chapter does not apply to agricultural producers
37 located on agriculturally assessed properties where farming or
38 agricultural use and activities are permitted under Article 59, Section
39 3.2.6 of the Zoning Ordinance.

40 **31B-12. Enforcement and penalties.**


41 * * *
42 (f) Except as provided in Section [[31B-9(h)]] 31B-9(j), [An] an
43 enforcement officer may issue a civil citation for any violation of this
44 Chapter if the enforcement officer:
45 (1) witnesses the violation; or
46 (2) receives complaints from at least 2 witnesses of a noise
47 disturbance.
48 Complaints by 2 witnesses are required to issue a citation under
49 paragraph (2), but are not required to prove that a person violated this
50 Chapter.

51 * * *
52 **Sec. 2. Effective date; staggered implementation.** The prohibition against
53 sales under subsection (e) of Section 31B-9, added under Section 1 of this Act, must

54 take effect ~~[[6 months after the Act becomes law]]~~ on July 1, 2024. The prohibition
55 against use under subsection (f) of Section 31B-9, added under Section 1 of this Act,
56 must take effect ~~[[1 year after the Act becomes law]]~~ on July 1, 2025. ~~[[Subsection (g)~~
57 ~~of Section 31B-9, under Section 1 of this Act, must apply reimbursement only for~~
58 ~~purchases of combustion engine-held leaf blowers or leaf vacuums made before this~~
59 ~~Act becomes law.]]~~

60 **Sec. 3. Required notices.** On or after the effective date of this Act and before
61 the effective date of the prohibition against sales under this Act, a person who sells, at
62 retail, a combustion engine-powered handheld, backpack, or walk-behind leaf blower
63 or leaf vacuum in the County must provide conspicuous notice to the consumer that
64 the leaf blower usage will be prohibited in the County.

Approved:


Evan Glass, President, County Council

September 26, 2023

Date

Approved:


Marc Elrich, County Executive

October 9, 2023

Date

This is a correct copy of Council action.


Sara R. Tenenbaum, Clerk of the Council

October 9, 2023

Date