

Council Bill 23-0367

1 BY adding
2 Health Article
3 Section ~~8-403~~ 8-402
4 Baltimore City Revised Code
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 Laws of Baltimore City read as follows:

8 **Baltimore City Revised Code**

9 **Article 1. Mayor, City Council, and Municipal Agencies**

10 **Subtitle 40. Environmental Control Board**

11 **§ 40-14. Violations to which subtitle applies.**

12 (e) *Provisions and penalties enumerated.*

13 (7) **Health Code**

14 ...

15 Title 8: Air Pollution \$100

16 **SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT**

17 **§ 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT**
18 **SUBSEQUENT OFFENSE** \$250

19 ***Subtitle 41. Civil Citations***

20 **§ 41-14. Offenses to which subtitle applies – Listing.**

21 ...

22 (6) Health Code

23 ...

24 Title 8: Air Pollution \$100

25 **SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT**

26 **§ 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL**
27 **EQUIPMENT**
28 **SUBSEQUENT OFFENSE** \$250

29 **ALL OTHER OFFENSES** \$1,000

30 ...

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Baltimore City Revised Code

Article – Health

SUBTITLE 3. Gas-Powered Debris Removal Equipment.

§ 8-301. DEFINITIONS

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *AIR POLLUTION.*

“AIR POLLUTION” HAS THE MEANING STATED IN § 8-101(B) OF THIS TITLE.

(C) *CONTRACTOR.*

“CONTRACTOR” MEANS A PERSON, FIRM, OR LEGAL ENTITY WITH WHICH THE CITY HAS ENTERED INTO AN AGREEMENT.”;

~~(C)~~ (D) *DEBRIS.*

(1) *IN GENERAL.*

“DEBRIS” MEANS ANY SOLID MATERIAL OR PORTION OF A SOLID MATERIAL INTENDED FOR DISPOSAL.

(2) *INCLUSIONS.*

“DEBRIS” INCLUDES:

(I) MANUFACTURED OBJECTS;

(II) PLANT MATERIALS;

(III) ANIMAL MATERIALS; AND

(IV) NATURAL GEOLOGIC MATERIALS.

~~(D)~~ (E) *ENFORCEMENT OFFICER.*

“ENFORCEMENT OFFICER” HAS THE MEANING STATED IN CITY CODE ARTICLE 1 § 41-1(C) {“DEFINITIONS: ENFORCEMENT OFFICER”}.

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1 (E) (F) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

2 (1) *IN GENERAL.*

3 "GAS-POWERED DEBRIS REMOVAL EQUIPMENT" MEANS ANY DEVICE POWERED BY AN
4 INTERNAL COMBUSTION OR ROTARY ENGINE USING GASOLINE, ALCOHOL, OR ANY
5 OTHER FUEL THAT IS USED TO BLOW, VACUUM, DISPLACE, OR GATHER DEBRIS.

6 (2) *INCLUSIONS.*

7 "GAS-POWERED DEBRIS REMOVAL EQUIPMENT" INCLUDES:

8 (I) LEAF BLOWERS; AND

9 (II) LEAF VACUUMS. INCLUDES HANDHELD LEAF BLOWERS WITH A VACUUM
10 FUNCTION.

11 (3) *EXCLUSIONS.*

12 "GAS-POWERED DEBRIS REMOVAL EQUIPMENT" DOES NOT INCLUDE:

13 (I) LAWN MOWERS;

14 (II) LAWN TRIMMERS;

15 (III) SNOW BLOWERS; OR

16 (IV) PRESSURE WASHERS. WASHERS; OR

17 (V) SELF-PROPELLED MOTORIZED LEAF VACUUMS, INCLUDING WALK-BEHIND.
18 RIDING, AND HITCH MOUNT LEAF VACUUMS; AND

19 (VI) LEAF VACUUM TRUCKS.

20 (G) LANDSCAPE MAINTENANCE COMPANY.

21 "LANDSCAPE MAINTENANCE COMPANY" MEANS A PERSON WHO RECEIVES COMPENSATION,
22 INCLUDING MONEY OR MATERIAL GOODS, IN EXCHANGE FOR SERVICES THAT INCLUDE:

23 (1) CARING FOR:

24 (I) LAWNS;

25 (II) GARDENS;

26 (III) TREES;

27 (IV) PLANTS; AND

28 (V) HARDSCAPE FEATURES; OR

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1 (2) OTHERWISE ENHANCING THE AESTHETICS AND FUNCTIONALITY OF AN
2 OUTDOOR SPACE.

3 (H) PERSON.

4 (1) IN GENERAL.

5 “PERSON” HAS THE MEANING STATED IN § 1-107(A) {“PERSON: IN GENERAL”} OF
6 THE CITY CODE’S GENERAL PROVISIONS ARTICLE.

7 (2) INCLUSION OF GOVERNMENTAL ENTITIES.

8 NOTWITHSTANDING § 1-107(B) {“PERSON: EXCLUSION”} OF THE GENERAL
9 PROVISIONS ARTICLE, IN THIS SUBTITLE “PERSON” ALSO INCLUDES A GOVERNMENTAL
10 ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

11 (I) SUBCONTRACTOR.

12 “SUBCONTRACTOR” MEANS A BUSINESS ENTERPRISE THAT HAS A DIRECT CONTRACT WITH
13 A CONTRACTOR TO PERFORM PART OF THE WORK ON A CONTRACT.

14 **§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

15 A PERSON PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR MAY NOT USE GAS-
16 POWERED DEBRIS REMOVAL EQUIPMENT IN BALTIMORE CITY.

17 ***SUBTITLE 4. [3.] PENALTIES.***

18 **§ 8-401 [8-301]. Enforcement by citation.**

19 (a) *In general.*

20 In addition to any other civil or criminal remedy or enforcement procedure, this title may
21 be enforced by issuance of:

22 (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental
23 Control Board”}; or

24 (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}.

25 (b) *Process not exclusive.*

26 The issuance of a citation to enforce this title does not preclude pursuing any other civil
27 or criminal remedy or enforcement action authorized by law.

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1 ~~§ 8-402 [8-302]. Criminal penalties: \$1,000.~~

2 (a) ~~In general.~~

3 Except as otherwise specified, any person who violates any provision of this title is guilty
4 of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each
5 offense.

6 (b) ~~Each day a separate offense.~~

7 Each day that a violation continues is a separate offense.

8 ~~§ 8-403. CRIMINAL~~ **§ 8-402. CIVIL PENALTIES: GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

9 (A) *IN GENERAL.*

10 EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, AN ENFORCEMENT OFFICER MAY
11 ISSUE A CIVIL CITATION FOR THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT IF
12 THE ENFORCEMENT OFFICER:

13 (1) WITNESSES THE VIOLATION; OR

14 (2) RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY
15 PHOTOGRAPHIC EVIDENCE.

16 (B) *WARNING TO CEASE AND DESIST.*

17 AN ENFORCEMENT OFFICER WHO FINDS ANY ~~PERSON~~ PERSON, INDIVIDUAL, CONTRACTOR,
18 OR SUBCONTRACTOR VIOLATING THIS SUBTITLE SHALL ORDER, ON A FIRST OFFENSE, THAT
19 THE PERSON CEASE AND DESIST THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

20 (C) *SUBSEQUENT OFFENSE.*

21 A ~~PERSON~~ PERSON, INDIVIDUAL, CONTRACTOR, OR SUBCONTRACTOR WHO COMMITS A
22 SUBSEQUENT OFFENSE IS SUBJECT TO A FINE OF \$250 FOR EACH SUBSEQUENT OFFENSE.

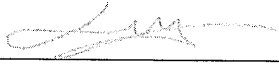
23 ~~SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect 1 year after the~~
24 ~~date it is enacted.~~

25 **SECTION 2. AND BE IT FURTHER ORDAINED, That on December 15, 2024 this**
26 **Ordinance takes full effect for all landscape maintenance companies, City entities, City**
27 **contractors, and City subcontractors.**

28 **SECTION 3. AND BE IT FURTHER ORDAINED, That ALL LANDSCAPE MAINTENANCE**
29 **COMPANIES and all other persons may use gas powered debris removal equipment between**
30 **October 15 and December 15 of each year, until December 15, 2026, when this Ordinance takes**
31 **full effect for all persons.**

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Certified as duly passed this 7 day of October, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 7 day of October, 2024



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City