

# **Proposed Town of Lincoln, MA Leaf Blower By-law**

## **A. Definition**

“Leaf blower” means any motorized device whose primary function is to use blowing air to move leaves, dirt, dust, sand, grass clippings, or any other type of litter or debris.

## **B. Usage Based on Time of Year**

1. Electric and battery-powered leaf blowers may be used all year, subject to the Time of Day limitations specified in section C.
2. Gas-powered leaf blowers may be used only from October 1 through December 20 and from March 20 through May 31, subject to the Time of Day limitations specified in section C.

## **C. Usage Based on Time of Day; Allowed Users**

During the times of year when leaf blowers may be used, as specified in Section B, leaf blowers may be used only during these hours:

1. Mondays through Fridays from 7AM to 6PM; all users
2. Saturdays from 9AM to 5PM; all users
3. Sundays and legal holidays from 9AM to 5PM; only residents of the property on which the leaf blower is used.

## **D. Exclusions**

1. Gas-powered leaf blowers may be used in any season for public safety and emergency situations.
2. The Building Inspector may grant one-day exemptions from this By-law for the use of gas-powered leaf blowers for special situations, but not for ongoing routine maintenance. Applications for these exemptions must be applied for in writing to the Building Inspector.

## **E. Enforcement and Fines**

For any violation of this By-law after October 1, 2019, the Lincoln Police or the Lincoln Building Inspector shall have the authority, after a complaint from an identified person or upon the officer's or inspector's own observation, to issue a warning upon the first violation, and a fine of \$100 for each subsequent violation. Warnings and fines shall be issued to the property owner. Each day on which there is a violation will constitute a separate violation.

## **F. Effective Date**

The provisions of this By-law shall be effective starting on the date it is approved by the Attorney General or on May 15, 2019, whichever is later.

**Responses to Frequently Asked Questions  
From the Leaf Blower Study Committee**

***Isn't the proposed bylaw just a "ban" on leaf blowers?***

The proposed By-law is **not** a "ban" on leaf blowers. It creates what we think are reasonable regulations on their use, including time of year usage for gas-powered leaf blowers and time of day usage on all leaf blowers. The By-law allows for almost unfettered use of leaf blowers during the traditional spring and fall clean-up seasons, while also allowing for use of gas powered leaf blowers for emergencies.

**What usage of leaf blowers is allowed by the By-law?**

Sections B and C of the By-law describe the dates and times for allowed use. Here is a summary of that information in table form..

<b>Leaf Blower Type</b>	<b>Dates allowed</b>
Electric/Battery	All year
Gasoline	March 20–May 31, Oct. 15-Dec. 20, emergency situations

<b>Days</b>	<b>Times allowed</b>	<b>Operators</b>
Monday-Friday	7AM-6PM	Anyone
Saturday	9AM-5PM	Anyone
Sunday/Holidays	9AM-5PM	Residents on their own property

***Why does the By-law distinguish between gas and electric/battery powered leaf blowers?***

Currently, most models of electric/battery powered leaf blowers are not as powerful as gas powered leaf blowers, and thus are not as efficient in moving big piles of leaves (often wet) that exist during the traditional spring and fall clean-up periods. This By-law accommodates that difference. However, as a community that values clean energy, a zero carbon footprint, and quality of life for all residents we believe it is appropriate to encourage the use of less polluting equipment.

***Is this By-law just the beginning of an effort to ban all power landscape equipment?***

No. The Leaf Blower Study Committee is focused only on leaf blowers because of their substantive difference from other power equipment, due to (i) the combination of the pure-tone noise they emanate, due to the blower, that travels long distances and easily through walls, (ii) the air pollution caused by the dust and other debris (including fecal matter) that is atomized by the wind vortex created by the machines, and (iii) the air pollution from the two-stroke engines. Leaf blowers

have become ubiquitous in year round manicuring of landscapes; which is why over 170 communities around the world have regulated leaf blowers. To our knowledge, none of those communities have also attempted to regulate other power landscape equipment. Nor have they moved to ban cars or motorcycles. Further, no one has the power to “ban” or regulate anything without going through the necessary process by which any regulation comes into effect, which includes the work necessary to get the proposal on the Warrant for Town Meeting, and then the requirement of a vote at Town Meeting.

***Will the By-law create an unnecessary burden on local enforcement officials?***

We don't believe so. Our General and Zoning By-laws, not to mention state and federal laws, include many restrictions that are not being constantly policed, but depend on the cooperation of the people. The existence of the rules themselves is intended to promote compliance. We expect that the police or the building inspector would get involved only in more extreme situations.

***Does the By-law penalize the property owner or the contractor?***

The By-law provides for penalties to be assessed only against the property owner. You are responsible for the activities on your own property.

***Does the By-law place a hardship on homeowners and landscapers to convert their equipment to electric?***

The By-law does require the use of electric/battery powered leaf blowers for the summer and winter seasons (as defined by specific dates in the By-law, section B). However, section E of the By-law provides that fines will not go into effect until October 1, 2019. Thus there will be no need to use electric/battery powered leaf blowers prior to December 20, 2019. Given that there is minimal use of leaf blowers during the winter, most residents/contractors will have until May 31, 2020 to acquire electric/battery powered leaf blowers. There clearly is a cost involved, but given the Town's overwhelming adoption of green energy and carbon neutral principles, we believe this is a cost that we should be willing to bear.

***We have 2-acre zoning – why is this By-law needed?***

While 2-acre minimum lot sizes is the current requirement in Lincoln, about 40% of single-family houses have smaller lot-sizes. In addition, many Lincolniters live in condos or multi-family residences that are closely spaced. Even with lots of 2 acres or larger, the sound and air pollution from a leaf-blower easily crosses lot lines, especially gas blowers whose sound is generally louder and carries further than sound from electric blowers.

***Why doesn't the By-law regulate only 2-cycle leaf blowers?***

Leaf blowers create the same amount of noise pollution and the same dust pollution whether they use 2-cycle or 4-cycle engines, and whether gas or battery/electric powered. Certainly 4-cycle engines are quieter, but the pure-tone sound created by the blower is the same.

***Why not limit the By-law to only certain parts of Town?***

Residents from all different parts of Lincoln have registered complaints about leaf-blower use on our on-line complaint form. The sound from leaf blowers can also be heard well beyond the

boundaries of the properties on which they are used. Several people have complained about hearing blowers while walking on conservation trails and even visiting the cemetery.

***Why does the By-law allow for leaf blower use on Sunday only by residents?***

Residents typically use only one leaf blower, while commercial landscapers use multiple leaf blowers at a time. The By-law is trying to create at least one day per week, during the peak usage times of Fall and Spring clean-up, where there is the potential for a break in the action. Further, commercial landscapers can provide leaf blower services during the other six days of the week, whereas a resident who works may only have the two weekend days to do his or her own leaf blowing.

***Why doesn't the By-law simply regulate use of leaf blowers that operate above a certain decibel level?***

This would create a near-impossible enforcement situation. Either people would have to own decibel meters or they would have to approach users of leaf blowers to check the decibel marking on the leaf blowers. Not all leaf blowers display decibel ratings.

***Why doesn't the By-law allow a neighborhood to opt out?***

If the effects of a leaf blower were limited only to a specific neighborhood, that might be a possibility. However, both the sound and the air pollution (particulate matter and exhaust) carry will beyond the bounds of any neighborhood. While some streets in Lincoln may define a "neighborhood," that does not mean that the neighborhood is isolated from other houses outside of that neighborhood. We prefer the notion of a "common wealth" of Lincoln, rather than a balkanized state.

***Won't it be difficult to find a landscape company that has electric/battery powered leaf blowers?***

That may be the case for a short while, but it should not become an issue until after December 20, 2019, when the enforcement mechanism goes into effect. After that, the use of leaf blowers should be minimal until the spring cleanup period, when gas leaf blowers are allowed. So landscapers really have until June 1, 2020 to obtain electric leaf blowers.

***Why not just propose guidelines instead of a By-law?***

We have tried education over the last 5 years, with limited results. It would be hard to achieve widespread knowledge and acceptance of a guideline, as opposed to a By-law which has gone through the public vetting such as what we have proposed here. The By-law is, in effect, a guideline until October 1, 2019.

***Shouldn't Lincoln be on the leading edge for environmental protection, rather than encourage practices that are bad for human and soil health and ecosystems?***

Yes. We should.