

*Drafted by PennEnvironment*

*For more information or questions contact Ellie Kerns at [ellen@pennenvironment.org](mailto:ellen@pennenvironment.org)*

WHEREAS, the [Municipality type] Code and the Pennsylvania Municipalities Planning Code authorizes the [legislative body] of the [Municipality name] (“[legislative body type i.e. Borough Council]”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management of, care and control of the [Municipality type] and the maintenance of peace, good government, health and welfare of the [Municipality name] (“[Municipality type]”) and its citizens;

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the “Amendment”), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as the [Municipality type]- one is to prohibit the degradation, diminution, and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, this Ordinance is enacted to achieve the [Municipality type]’s duties under the Amendment by minimizing the degradation, diminution and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

WHEREAS, for the reasons set forth in more detail below, [legislative body type i.e. Borough Council] intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the [Municipality type], by regulating the use of gasoline-powered leaf blowers within the [Municipality name];

WHEREAS, the [legislator type] has met the procedural requirements of 53 P.S. § 10101, et seq., the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, [legislator type], after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of [Municipality name] will be served by this amendment of the [Municipality name] Ordinance to regulate the use of gasoline-powered leaf blowers within the [Municipality];

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the [legislator type] of the [Municipality name], [county name] County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

CHAPTER [code to be inserted or amended]. PROHIBITION ON USE OF GAS-POWERED LEAF BLOWERS.

§[section number]. Purpose and Findings.

A. Purpose

- a. The purpose of this Chapter is to reduce the use of gasoline-powered leaf blowers;
- b. To curb air and noise pollution in neighborhoods, near schools, and in parks; reduce greenhouse gas emissions; promote the use of rakes, electric alternatives, and alternative leaf management practices within the [Municipality]; and to preserve the natural, scenic, historic, and esthetic values of the [Municipality].
- c. To lower noise levels from landscaping equipment in the community, which are a common source of complaint to [Municipality] officials.

B. Findings

- a. The use of gasoline-powered leaf blowers, particularly those with two-stroke engines, have significant negative impacts including excessive noise pollution, harmful air pollution, and damage to wildlife.
- b. There are multiple commercial, municipal, and individual entities within the [Municipality] which use gasoline-powered leaf blowers.
- c. The use of gasoline-powered leaf blowers emits fine particulate matter (PM2.5), nitrogen oxides (NOx), volatile organic compounds (VOCs), and carbon dioxide (CO2), which have well-documented negative impacts on human and environmental health.
- d. Over one million tons of climate and air pollutants were emitted by gasoline-powered lawn and garden equipment in Pennsylvania in 2020, the most recent year estimates from the U.S. Environmental Protection Agency were available.
- e. Numerous studies have documented the negative health impacts of the pollution emitted by gasoline-powered leaf blowers, in addition to the negative impacts of the noise and vibrations associated with the use of this equipment for both the operator and the public.
- f. The use of leaf blowers degrades the environment by killing beneficial insects, through the removal of leaf litter in which they overwinter.

- g. The most energy-efficient, healthy and ecosystem friendly alternative to the use of gasoline-powered leaf blowers is a shift to manual leaf management tools such as rakes. The next best alternative is the use of electric leaf blowers.
- h. There are several alternatives to gasoline-powered leaf blowers readily available in and around the *[Municipality]*.
- i. An important goal of the *[Municipality]* is to procure and use sustainable products and services.
- j. Many municipalities, states, and cities across the country have restricted the use of gasoline-powered leaf blowers in some way to general success and satisfaction.
- k. As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the *[Municipality type]* seeks to preserve the natural, scenic, historic, and esthetic values of the *[Municipality type]*.
- l. It is the *[legislative body]*'s desire to conserve resources, reduce the amount of greenhouse gas emissions and other air pollutants, and protect the public health and welfare, including wildlife, all of which increase the quality of life for the *[Municipality type]*'s residents and visitors.

§*[section number]*. Definitions.

- (1) "Customer" means any person purchasing goods or services from a Retail Establishment or a Resale Marketplace.
- (2) "Effective Date" means the effective date of the ordinance that added this Chapter to *[Municipality name/code]*.
- (3) "Gasoline-Powered Leaf Blower" means any handheld, backpack or walk-behind leaf blower, leaf vacuum or other leaf-gathering device directly powered by an internal combustion or rotary engine using gasoline, alcohol or other liquid or gaseous fluid.
- (4) "Electric Leaf Blower" means any handheld, backpack or walk-behind leaf blower, leaf vacuum or other leaf-gathering device powered by only electric means, including but not limited to battery-powered leaf blowers, cordless rechargeable leaf blowers, and corded leaf blowers.
- (5) "Motorized 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.
- (6) "Retail Establishment" means a location where lawn equipment or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: hardware stores, department store, and home improvement stores.
- (7) "Resale Marketplace" means a physical or online channel where previously owned or used lawn equipment or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: Facebook marketplace, craigslist, and NextDoor.

§[*section number*]. Gasoline-Powered Leaf Blowers.

- (1) Beginning 2 years after the Effective Date, no person shall use or operate a gasoline-powered leaf blower in the [*Municipality name*].

§[*section number*]. Seasonal Leaf Blowers Usage.

- (1) Beginning 1 year after the Effective Date, the use of any motorized leaf blowers, both gasoline-powered and electric, shall be unlawful in the [*Municipality name*] during the period from May 1 through and including September 30 of each year.
- (2) Beginning on the Effective Date, during the period of October 1 through and including April 30 of each year, the use of any motorized leaf blowers, both gasoline-powered and electric, shall be permitted only during the hours 8:00 a.m. and 6:00 p.m., and between 10:00 a.m. and 5:00 p.m. on Sundays, in the [*Municipality name*].

§[*section number*]. Notice of Provisions.

- (1) A person who sells at a Retail Establishment or a Resale Marketplace a gasoline-powered leaf blower in the [*Municipality name*] on or after the Effective Date and before the effective date of the prohibition against use under this ordinance, shall provide conspicuous notice to the consumer that the gasoline-powered leaf blower shall not be used in the [*Municipality name*] beginning 2 year from the Effective Date.
- (2) Beginning 30 days after the Effective Date, and for three (3) years thereafter, Retail Establishments are required to post at all points of sale conspicuous signage informing customers that the use of any motorized leaf blowers, both gasoline-powered and electric, shall be unlawful in the [*Municipality name*] during the period from May 1 through and including September 30 of each year beginning 1 year from the Effective Date.

§[*section number*]. Previously-Purchased Equipment.

- (1) A Customer who purchased a gasoline-powered leaf blower prior to the Effective Date, or who can demonstrate that the leaf blower was manufactured prior to the Effective Date, may use that leaf blower until three (3) years after the Effective Date.
  - (a) Beginning 1 year after the Effective Date, the use of any motorized leaf blowers, including gasoline-powered leaf blowers purchased prior to the Effective Date, shall be unlawful in the [*Municipality name*] during the period from May 1 through and including September 30 of each year.
  - (b) Beginning on the Effective Date, during the period of October 1 through and including April 30 of each year, the use of any motorized leaf blowers purchased prior to the Effective Date, shall be permitted only during the hours 8:00 a.m. and 6:00 p.m., and between 10:00 a.m. and 5:00 p.m. on Sundays, in the [*Municipality name*].

§[*section number*]. Municipal Equipment.

- (1) Beginning 30 days after the Effective Date, any leaf blowers purchased by the [*Municipality name*] must be electric leaf blowers.
- (2) Beginning three (3) years after the Effective Date, any leaf blowers used in municipal work, including municipality-owned and contract, must be electric leaf blowers.

§[*section number*]. Enforcement.

- (1) A person, store, or company that violates the requirements of this subchapter shall:
  - (a) Be subject to a civil penalty of \$50.00;
  - (b) Be subject to a civil penalty of \$100.00 for a second offense; and
  - (c) Be subject to a civil penalty of \$250.00 for a third or any subsequent offense.
  - (d) For repeated offenses commercial violators will be subject to loss of license to perform work within the [*Municipality*].
- (2) For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or company that violates a requirement of this subchapter.
- (3) In addition to the penalties set forth in this Chapter, the [*Municipality*] may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- (4) The failure of the [*Municipality*] to enforce any provision of this Ordinance shall not constitute a waiver by the [*Municipality*] of its right to future enforcement hereunder.

§[*section number*]. Effective Date.

- (1) This ordinance shall take effect [*Date*].