

Resolution No.: 12-01-19

Introduced: December 9, 2019

Adopted: _____

Effective: _____

BOARD OF MANAGERS

FOR

CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 20, “NOISE CONTROL”, SEC. 20-2, “SECTIONS ADDED”, TO PROHIBIT THE USE OF GAS-POWERED LEAF BLOWERS AFTER JANUARY 1, 2022.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	:Indicate matter added in amendment
[Brackets]	:Indicate matter deleted in amendment

WHEREAS, §3-105 “Powers and duties of political subdivisions”, of the Environment Article, Annotated Code of Maryland, authorizes the Village to adopt noise regulations that are at least as restrictive as those of the State; and

WHEREAS, the Village Board has determined that residents of the Village have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result, the Board adopted Chapter 20, “Noise Control”; and

WHEREAS, the Village’s Environment & Energy Committee has issued a report entitled “Proposal to Address Noise and other Impacts from Gas-Powered Leaf Blowers” dated June 18, 2019 and amended dated August 15, 2019, and has recommended that gas powered leaf blowers be prohibited in the Village; and

WHEREAS, the Board has determined that it is in the public interest to prohibit gas-powered leaf blowers after January 1, 2022, to reduce the environmental noise pollution that this equipment creates and the effective date of this law is consistent with that of the District of Columbia’s law prohibiting gas-powered blowers; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the _____ day of _____, 2019.

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 20, “NOISE CONTROL”, SEC. 20-2, “SECTIONS ADDED”, TO PROHIBIT THE USE OF GAS-POWERED LEAF BLOWERS AFTER JANUARY 1, 2022.

SECTION 1.

BE IT ORDAINED AND ORDERED this _____ day of _____, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Chevy Chase Village Charter, that Chapter 20, “Noise Control”, Sec. 20-2, “Sections added”, be repealed, re-enacted and amended to read as follows:

Sec. 20-2. Sections added.

The following sections shall apply in the Village in addition to the provisions of Chapter 31B of the Montgomery County Code:

(a) Special noise limits. It shall be unlawful for any person to engage in, or permit another to engage in, the following conduct:

(1) Sound a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.

(2) Except in an emergency, operation of power landscaping equipment such as a lawn mower, leaf blower or other similar motorized equipment or device after 6:00 p.m. or before 8:00 a.m. on weekdays and after 6:00 p.m. or before 9:00 a.m. on weekends and legal holidays.

(3) Permit one's animal to cause a noise disturbance.

(4) Notwithstanding Sec. 31B-6 of the Montgomery County Code, except in an emergency, conduct noise-generating construction activity after 6:00 p.m. or before 8:00 a.m. on weekdays and after 6:00 p.m. or before 9:00 a.m. on weekends and legal holidays. Noise generating construction activity includes, but is not limited to:

- a. Loading, unloading or moving construction vehicles, materials supplies or equipment;
- b. Using power tools or equipment;
- c. Using hand tools; and operating machinery.

(5) USE OF A GAS-POWERED LEAF BLOWER ON OR AFTER JANUARY 1, 2022

(b) Municipal infraction. Any person who violates any of the provisions of Section 20-2(a) shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Village Code.

SECTION 2

AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2019, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted

to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

- (1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect on the _____ day of _____, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Elissa Leonard, Chair
Board of Managers
Chevy Chase Village

ATTEST:

Shana R. Davis-Cook, Village Manager